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Book Reviews

By Marcus Bourke, Patrick Holland, Paul Gorry, Pádraig Lenihan,
Dónall Mac Giolla Easpaig*

Guilty or Innocent? The Cormack Brothers. By Nancy Murphy (Relay Books, Tyone, Nenagh, 1998). 176 pp. £5.95.

This is a comprehensive re-telling of every aspect of the famous miscarriage of justice in Nenagh 140 years ago, when William and Daniel Cormack were publicly hanged for the murder of the Scottish farm manager John Ellis on a bye-road between Templemore and Dovea in 1857. So convinced were the local populace of the innocence of the two brothers that over half a century later their remains were disinterred and re-buried outside the jail. No detail of this appalling example of British justice has been overlooked by local historian Nancy Murphy, who recalls the anomalous situation that arose when, after a jury disagreed on one brother, the Crown staged a joint trial of both men. She also reveals the admission of guilt by the real murderer in the United States – who had been amongst the crowd which witnessed the Cormacks' execution. This is a model of local historical research.

Marcus Bourke

Never Bet: A Garda Remembers. By Daniel Devitt (Premier Publications, 128 Clonliffe Road, Dublin 3, 1997). 167 pp. £10.

Veteran Tipperary hurling fans often recall the late Tommy Purcell's feat in holding Christy Ring scoreless. What they frequently overlook is that another Tipperary-born hurler, Dan Devitt (of Faughs, Dublin and Leinster teams) also did the same – hence the title of these entertaining memoirs by the now 82-year-old native of Kilcommon. The book is neatly divided into two parts – 126 pages of autobiography, followed by 40 pages of documentary material referred to in the earlier part. Its author's personality comes through on every page. He retains vivid memories of his long service as a Guard in the Dublin area, starting in 1939 in the then new Taca force and ending 42 years later after six years one step from the top of the force. After retirement Assistant Commissioner Devitt served on the Dublin Marriage Tribunal and on a crime commission, where his keen legal mind was an asset. Dan Devitt has never been afraid to speak his mind. He publicly supported Commissioner Garvey on the latter's dismissal, and was vindicated by the subsequent lawsuit and indemnifying legislation. During the 1983 abortion referendum he publicly castigated the proposed wording in the national press. Today he is totally against zero tolerance – “so outrageous by its absurdity as to destroy its credibility . . . as if a future Pope decided we could have a ‘sin-free society’ having no more confessors”!

Marcus Bourke

*Reviewers' names are given in order of appearance. – *Editor*.



Sheela-na-Gigs: Origins and Functions. Eamonn P. Kelly, 47 pp.

The 1798 Rebellion: Photographs and Memorabilia from the National Museum of Ireland. Michael Kenny, 48 pp. (Both published by Country House, Dublin, in association with the National Museum of Ireland. £4.99 each).

These two booklets continue a series which has been noted already in the pages of this journal (1994, p. 195 and 1995, pp. 210-211). They are well produced and copiously illustrated with photographs of relevant objects from the collections of the National Museum. They illustrate the rich resource that is a long-standing museum collection, one which can be used not only for traditional displays but also for a variety of other purposes such as these booklets.

Natives of Tipperary (and even those from other areas living within the county!) will be very interested in the distribution map of sheela-na-gigs on page 4 of Eamonn P. Kelly's book. A distinct concentration in the south midlands can be seen, with several in Tipperary. Other groupings occur along the Shannon and in the Pale area. One might suggest that they are found in Anglo-Norman settled or influenced areas, as they seem to be generally absent in Ulster, West Galway and Mayo for example; but their non-appearance in Co. Wexford would contradict this. In some case they seem to occupy areas which would have been 'frontier zones'.

This reviewer can distinctly remember the late Dean David Woodworth of Cashel, who was working on a study of sheela-na-gigs before his untimely death, remarking that many sheela-na-gigs seemed to occupy a position which faced on to a territorial boundary. Others have made this suggestion also (J. Feehan and G. Cunningham, *Journal of the Royal Society of Antiquaries of Ireland* 108, 1978, pp. 117-8). The question of the distribution of sheelas is therefore one which might repay detailed investigation.

Their common siting on tower houses also reveals their ambiguous cultural attributions. While tower houses were used by both Gaelic and Anglo-Norman lords, the origin of these structures is probably within the Norman tradition of the first floor hall, albeit a process which may have occurred within Ireland. Sheelas are well represented in Tipperary, with examples from Thurles, Kiltinan, Newtown Lennon, Cashel, Holycross, Fethard, Ballynahinch, Leighmore, Burgesbeg, Clonmel and Rochestown being illustrated or discussed.

I was particularly interested to see the Clonmel example, recalling the impassioned debate between antiquarians published in the local papers at the time of its discovery with one side of the debate affirming the sculpture's local origin and the other indignantly opting for an imported source for such a blatant object. Readers of this Journal might be interested to know that the Kiltinan sheela has not yet been located after its theft, but that enquiries will continue until its return to the county.

Michael Kenny's book describes the Rebellion of 1798 on a national scale and is illustrated with photographs of related objects in National Museum and many reproductions of contemporary illustrations. Tipperary does not feature very prominently here, though there are mentions of the activities of Judkin FitzGerald, the High Sheriff of Tipperary and of John Toler, Lord Norbury, the notorious hanging judge, who was born in Tipperary. Articles in this Journal have noted the comparatively small number of incidents in Tipperary during the Rebellion (P. C. Power 1993, pp. 135-147 and D. O'Keeffe 1990, pp. 109-120); I. P. Power's *Land, Politics and Society in Eighteenth-Century Tipperary* also discusses this.

One of the most interesting parts of the book under review is the description of the many smaller actions and of the survival of the remnants of the insurgents in some areas. Detailed local studies, such as those noted above, form the essential basis for the creation of the broad overall picture. Both the publishers and the National Museum must be commended on the production of these two books, and one looks forward to the publication of other books based on the rich collections of our national institutions.

Patrick Holland

“The Family of Everard”, by Richard H.A.J. Everard, parts 1, 2 & 3, *Irish Genealogist*, Vol. 7, nos. 3 & 4, & Vol. 8, no. 2.

The *Irish Genealogist*, the journal of the Irish Genealogical Research Society, has been published annually for over 60 years. In recent times it has been criticised for devoting too much space to long articles on individual family histories. The journal could certainly do with an injection of topics of general interest, but it would be shortsighted to abandon the individual family histories. It is essential that there should be an outlet for such scholarly articles as Mr. Everard’s. His painstaking research has produced a work of value to genealogists, local historians and social historians alike.

The Everards were an Old English family who were settled at Fethard as early as 1299. Information on the very early generations is quite sketchy, but the article traces the main branches with impressive detail from the early sixteenth century forward. Those in Tudor times were wealthy landowners but, following the Reformation, Cromwell, the Jacobite-Williamite conflict and the Penal Laws, the fortunes dwindled and by the nineteenth century the Everards of south Tipperary were quite ordinary people.

Articles of this type are not merely the story of one family. They illustrate the type of social mobility which took place over generations; they personalise the sterile facts of history by showing the impact of events on individual lives. Most of all, they highlight what can be achieved by the correct use of sources. To the common-or-garden family historian they are an education in the fact that the Tithe Applotment is not the outer limit of documentation for every line of ancestry.

Richard Everard’s use of sources also shows that the destruction of the Public Record Office in 1922 did not entirely obliterate the records of our medieval and early modern history. Granted, he was blessed with the Barton Papers at the National Archives, which are evidently a treasure chest in relation to Fethard; but many of his sources have a much wider application. Studying his footnotes alone is a revelation.

It is difficult to make any such meticulous reconstruction of a family history an enjoyable read. The object is not to entertain, and this is possibly why some genealogists complain about giving them so much space in journals. However, the career of Sir John Everard in the late sixteenth and early seventeenth centuries is a remarkable story as told here. Sir John was a Catholic who attained the position of Second Justice of the Queen’s Bench in the reign of Elizabeth. Under James I he was knighted and continued to serve on the King’s Bench until he was prised off it, with difficulty, for refusing to take the Oath of Supremacy. The unbelievable scenes at the Irish Parliament of 1613, in which Sir John played a pivotal role, make present-day politics seem decidedly dignified.

During the 1641 Rebellion his grandson, Sir Richard Everard, protected his English tenants against Irish attack. He later joined the Catholic Confederates and was one of the leaders excommunicated by the Papal Nuncio for supporting a truce with the Protestant Lord Inchiquin. Richard’s grandson, Sir John, was attainted as a Jacobite, fought at the Boyne and died at Aughrim in 1691. His young son had much of the forfeited property restored to him in 1702, but on condition that he take the Oath of Supremacy on coming of age. Though nominally a Protestant, at Queen Anne’s death he became an active supporter of the Old Pretender and spent much of the remainder of his life in France.

We can learn a lot from family histories of this sort, particularly about the ways in which national movements and events affected individuals. As with ourselves, our ancestors had many contradictory aspects to their lives. They were not simply faces in a crowd holding uniform views. They were real people who reacted individually to the cross-currents of politics, religion and fortune. Family histories, properly written, bring this point to the fore.

Paul Gorry



Divided Loyalties: The Question of the Oath for Irish Catholics in the Eighteenth Century. Patrick Fagan (Four Courts Press). 256 pp. £35.00.

The oath in question was an oath of "abjuration", demanded of Irish Catholic laity for certain purposes (such as voting in the period 1704-28) and of secular clergy who wanted to acquire legal recognition. This oath was distinct from an oath of allegiance to the monarch, which posed no serious problems for conscientious Catholics. Fagan maintains that the oath of abjuration ought not have posed any problems either, since it did not (contrary to what has usually been assumed) involve repudiating the spiritual power of the Pope.

Even if this were so – we do not know the definitive wording of the oath as administered in Ireland – the oath was still problematic. It repudiated the supposed power of the Pope to depose heretical monarchs and to grant Catholics retrospective dispensation for breaking oaths, matters which went to the heart of the subject's relationship to the civil power. Moreover, the oath stipulated that the Stuart pretenders "hath not any right or title whatsoever to the crown of this realm".

The clergy refused *en masse* to take the oath of abjuration, although a significant number of otherwise qualified Catholic voters apparently did so. The core of the author's argument is a "might have been"; if Irish Catholics had been prepared to take the oath and abjure the Stuarts, then the repeal of the penal laws could have begun as early as the 1720s, rather than in 1778.

This is speculation on a heroic scale, because the oath was irrelevant as a device for excluding Catholics. When it proved insufficient to deter some propertied Catholics from voting, the oath was replaced by legislation preventing Catholics *per se* from voting. Oaths which were seriously designed to exclude Catholics included a declaration against transubstantiation, which no Catholic could make in good conscience.

Insofar as the oath of abjuration hindered Catholics, it did so because sundry titled busybodies from within the Catholic community took it on themselves to devise and propose various forms of words to express their loyalty. For example, Lord Trimleston (one of the diminishing group of Catholic noblemen of the old Pale) browbeat the Catholic primate into circulating a form of oath. While the oath was accepted by some of the Leinster bishops, it was firmly rejected in Munster.

Predictably, the Pope was also unimpressed, since the dispensing and deposing powers still remained as weapons (albeit rusting ones) in his spiritual armoury. In effect, the initiative caused dissension within the Catholic community and drew unwelcome attention to the fact that these doctrines were still in existence. The oath of abjuration, then, was a stick with which Catholics could beat themselves; but it was not nearly as central a feature of the penal code as, say, the gravel laws. When the circumstances were propitious for relaxation of the penal laws in the 1770s then, as Fagan demonstrates, a form of oath of abjuration was devised without too much difficulty.

By then it was a matter of practical urgency, not least in Tipperary. Why, given previous Munster hostility to an oath of abjuration, did James Butler II, archbishop of Cashel, take the lead in devising yet another oath? A substantial Catholic middleman element had survived in the southern half of the county. Their premature political assertiveness in the 1760s and an outbreak of Whiteboy activity were separate phenomena; but local Protestants thought otherwise and reacted with a campaign of judicial terror which culminated in the notorious execution of Fr. Sheehy and two others in 1766.

The furore died down temporarily, but renewed Whiteboy outbreaks in the early 1770s made James Butler II and the Munster bishops especially anxious to appease the local magistracy and forestall a second purge. Fagan includes (p. 177) a table showing the numbers of Catholics in

each county who took the 1774 oath of abjuration. It is clear from this table that Tipperary had nearly twice as many jurors as the next county (Kilkenny), and that their number was out of all proportion to the size of the surviving Catholic middle-class.

This is a specialised monograph which involves much parsing of legal documents and discussion of high politics. As such, it can be heavy going at times. But the author clears up myths about the oath itself and, in particular, demonstrates that it was less sweeping than was hitherto believed.

Pádraig Lenihan

Fethard, Co. Tipperary: A Guide to the Medieval Town. By Tadhg O’Keeffe (Fethard Historical Society, 1997, 30 pp). £3.00.

Tipperariana. By Rudi Hopzapfel (Fethard Historical Society, 1997, 18 pp). No price stated.

Between them these two booklets provide further proof, if such were indeed needed, that in local history Fethard is the most active town in this county. The first is a handsomely produced account by a leading academic archaeologist, who has given much of his time and expertise in recent years to this town. With illustrations – some in colour – on every page, it combines both a guide to, and a walking-tour of, what is “probably the finest example of a small medieval town in Ireland”.

The second comprises, as its sub-title explains, “notes, pointers and current market prices of Tipperary books for scholar and collector”. The compiler, an American book expert, has recently put down roots in the Pennyfarthing Arcade in Tipperary town. Yet, curiously, one of the few details omitted (on p. 18) relates to the year of publication of an authoritative book on the War of Independence by Sean Fitzpatrick, published in 1972 literally a stone-throw from the compiler’s current place of business!

Marcus Bourke

Who’s Who in the Irish War of Independence and Civil War 1916-1923. By Padraic O’Farrell (Lilliput Press, Dublin 1997, 232 pp). £9.99.

This modestly priced and intelligently planned book (an extended version of one published in 1980) will be an indispensable source reference for its topic and period. Part I, covering the War of Independence (1916-1921), divides entries into A-Z entries by surnames (99 pages), the Irish republican and non-combatant dead (19 pages) and Crown dead (20 pages). Part II, covering the Civil War (1922-1923), is divided into four – A-Z entries (58 pages), pro-Treaty casualties (14 pages), anti-Treaty casualties (9 pages) and executions (4 pages). A map and list of sources complete a useful book.

In an evocative preface the author explains what could not be fitted into such an orderly compilation, and justifies both his dislike of emotive terms like “Irregulars” and his omission of home addresses in the main Civil War listings. He confesses that his book “is by its nature incomplete”. Some omissions, are, however, difficult to understand – the absences from his bibliography of Sean Fitzpatrick’s 1972 book and Oliver Coogan’s 1983 book, to mention only two.

Readers of this Journal prepared to trust this reviewer’s often unreliable arithmetic may like to compile their own statistics. Subject to that qualification, it appears that 28 anti-Treaty volunteers died in this county as against 35 pro-Treaty fatal casualties, and that there were 5 Civil War executions here by the Free State regime. In the War of Independence Crown deaths



in Tipperary numbered only 15, but this total excludes 30 policemen. Irish Republican (i.e. pre-Treaty) non-combatant dead came to 58, including what seem to be a few "overlaps", i.e. names mentioned twice. These figures give an overall total of 171 violent deaths in this county in the 7-year period from Easter 1916 to April 1923.

Marcus Bourke

Nationalism and Independence. By Nicholas Mansergh, edited by Diana Mansergh (Cork University Press, 264 pp). £45.00 and £14.95.

In an issue of this Journal commemorating the Young Ireland rising of 1848, it is perhaps appropriate to begin a review of this posthumous selection of essays with a story of the Mansergh family from that historic year. The foreman of the jury at the trial in Clonmel of William Smith O'Brien and the other leaders of the abortive rising was Richard Martin Southcote Mansergh, the late Dr. Mansergh's great-grandfather, who had been a close friend of O'Brien, and it fell to Mansergh to announce the guilty verdict.

In 1867, on the eve of the next rising (that of the equally inept Fenians), Mansergh, knowing that some of his tenants would be involved, called them to a meeting in his home (at Grenane outside Tipperary town – still the family seat); hours before they were to assemble at Ballyhurst under General Bourke. Locking them all in the house he left, probably saving them all from death. As readers of "My Clonmel Scrapbook" know, five years earlier at the trial for the Rockwell murder (also in Clonmel) of the New Inn Fenian suspect Tom Halloran, Mansergh from the jury-box had also intervened to good effect for Halloran, who was acquitted and (probably wisely) left Ireland for good.

This is a useful collection of 18 essays on Irish affairs written by Nicholas Mansergh over a period of some 50 years. It is divided into Parts such as "Post War Ireland" and "The Northern Situation", and includes short studies of de Valera and Eoin MacNeill, as well as Mansergh's article on the seminal 1986 book *Tipperary History & Society* (edited by William Nolan and Thomas McGrath) and McGrath's 1983 interview of Mansergh in the *Irish Times*.

For readers of this Journal, however, surely the most rivetting article is a previously unpublished set of entries from Mansergh's diaries for 1934 to 1939, many made while at home in Tipperary. They give fascinating (if fleeting) glimpses of some notable Tipperary figures now long dead – among them Sean Hayes of the Third Tipperary Brigade, Paul Flynn the amateur historical, Col. "Jerry" Ryan and Prof. Michael Hayes, the first Ceann Comhairle, all of whom Mansergh met. What would the editor of a Journal like this not give to publish more from these diaries of the father of Dr. Martin Mansergh, special adviser on the Northern peace process to at least two Irish Governments!

Marcus Bourke

The Annals of Tigernach: Index of Names. Compiled by Diarmaid Ó Murchadha (Irish Texts Society, London, 1997. 222 pp). £20.

The Annals of Tigernach constitute one of the most important sources for the student of medieval Irish history. Despite this, no modern critical edition of the text exists and scholars must still rely on that published by Whitley Stokes in *Revue Celtique*, vols. xvi-xviii (1895-7). This work has recently been reprinted by Llanerch Publishers, which makes these annals readily accessible for the first time. There are many deficiencies in Stokes's edition of the Annals, not least of which is the lack of an index. Diarmuid Ó Murchadha rectifies this defect in

the present volume, in which all the place and personal names found in the text are listed. For some years he has been engaged in a thorough re-examination of the placenames in the principal collections of annals and many of his findings have been published in vols. 4-7 of the journal *Ainm*. He brings the same thoroughness to this placename index, where his aim was to identify as many as possible of the locations cited in text. Many of the identifications are conjectural and we await with interest the evidence for some of them in his forthcoming article in *Ainm*, vol. 7. This is a very welcome publication; one hopes the day is not far off when it can be incorporated into a new edition of these annals.

Dónall Mac Giolla Easpaig

Tom Kiely: 'For Tipperary and Ireland'. By Bob Withers and Patrick Holland (Tipperary S.R. Co. Museum, Clonmel, 1997). 45 pp.

This illustrated booklet, which in every respect is a credit to all involved in its publication, appeared with the opening last winter of the exhibition dedicated to Tipperary's greatest athlete, who became All Round Champion of the World at the 1904 Olympics in St. Louis to capture this county's first Olympic gold medal. This is a carefully researched biography of Kiely, compiled for the most part from faded and crumbling newspaper files from two continents, and includes a catalogue of the principal exhibits – which by now (according to leaks as of the date of the review) should repose (temporarily?) in the new state-of-the-art museum and heritage centre in Croke Park. Given the shameful public divisions recently revealed in Irish Olympic circles, is it not time to consider handing back athletics to the GAA, bearing in mind its achievements in the forgotten era of Kiely and his rivals – and its £20,000,000 golden handshake from the Taoiseach.

Marcus Bourke

