

W. S. 968

DUPLICATE

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 968

ROINN  COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 968

Witness

John (Jaco) Lenihan,  
25 Charles St.,  
Listowel,  
Co. Kerry.  
Identity.

Member of Listowel Coy. Irish Vol's.  
Co. Kerry, 1914 - .

Subject.

National activities, Listowel, Co. Kerry,  
1914-1922.

Conditions, if any, Stipulated by Witness.

Nil

File No. S. 2266

Form B.S.M. 2

DUPLICATE

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STATEMENT OF JOHN (JACO) LEWIS,

Listowel, County Kerry.

I was born in Listowel on the 16th June, 1892. My father died when I was eight months old. I went to the National School in Droumlough for four years and to the National School at Listowel for five years. I left school at the age of fifteen years.

I was apprenticed to the trade of carpentry and joinery for three years. I then worked at my trade in Killarney and later went to Cork City where I worked for a builder and contractor named John Delaney. He had a contract at that time for building Military huts for the British Army.

I joined the Volunteers in 1914 when they were first formed in Listowel. One of the principal men in the formation of the Volunteers in Listowel was a school teacher named Mick Griffin. The strength of the Company when formed was 80 men. We drilled with wooden rifles and it was I who dressed the rifles for the Listowel Company and other Companies in North Kerry. Our chief drill instructor was an ex-British soldier named John L. O'Sullivan from the town. O'Sullivan was a very good man as a drill instructor.

After Redmond's call on the Volunteers to defend the coasts of Ireland, there was a split in the Listowel Company and after a while the Company ceased to exist.

About the end of 1915, Ernest Dlythe, Mick Griffin and Jack Tackaberry, reorganised the Volunteers in Listowel. I was one of the first to join. Paddy Landers (deceased) and James Sugrue were appointed the Company Officers. The strength of the Company at this time was about 80 men. We drilled and paraded up to Easter Week 1916. The only arms in the Company at this time were three Lee Enfield rifles and about a dozen Martini-Enfield rifles.

As far as I know, no member of the Company took any part in the events of Easter Week. I think that the reason was, that two Volunteers on their way to Kerry with instructions for the area were drowned near Killorglin when the car in which they were travelling went over the pier.

After the Rising, as well as I can recollect, an order was issued by the local R.I.C. that all arms in the Company be handed in to the R.I.C. barracks. Paddy Landers ~~was~~ one of the Company Officers collected the arms, took them to Bunyan's forge and destroyed them. He then surrendered the broken rifles to the R.I.C. in the barracks. We continued to drill and hold meetings up to the end of the year 1916.

Early in 1917 I as well as other men in the Company took the Oath of Allegiance to the Republic. The officer who administered the Oath was James Sugrue, Listowel. All this year the Company continued to drill and hold meetings.

Things went on quietly until the end of the War in 1918. Some time after there was a general amnesty when one of our men, John McKenna of Listowel, was released. Drilling continued up to the end of 1918 and all through the year 1919.

The British military, about 30 men, arrived in Listowel R.I.C. barracks about the middle of 1919. They left the R.I.C. barracks after a short while and went to stay at Sweetman's of Curtenard, Listowel. After a while a second lot of military came to the Lawn, Listowel, and set up Bell tents there. Just after the military had come to the Lawn, the Company led by the Listowel Brass and Reid Band of which I was in charge, went into the Lawn, with horses and ploughs and ploughed it up, while the military, fully armed, looked on. Soon after this the military left the Lawn and went to the residence of Captain Fitzgerald, Knight of Kerry, at Ballyruddery.

All through 1920 I attended all meetings of the Company and did police duties as well. To the best of my knowledge the Tans came to Listowel one Sunday in September 1920. They fired several shots in the air as they came into the town. I was about a mile outside the town at the time they arrived. I got home at 6 p.m. that evening and after a while I went out and met two pals Robert Hanley and Jack Harrington. We came up the town and stood at the corner of William Street and Charles Street where I lived. While we were standing at the corner, a Tan, the first one I had seen, approached us from Charles Street. He asked us were we "Shinners" and naturally we said "No". He then said, "Weren't the three of you out last night on police duty". That surprised me was that the three of us were on police duty the night before. I was under the impression that he had got his information in Charles Street where I lived. This street was well known for the pro-British type of people living in it. They were ex-British soldiers, their wives and children as well as members of the R.I.C. stationed in the barracks.

My workshop gate was only twenty yards from the back gate of the R.I.C. barracks. In October, a month after the Tans came to Listowel, six of them raided my workshop and searched it for arms. They found nothing. About a month later they raided it again and again got nothing. Actually beneath the mud floor of the workshop in a wooden box I had a rifle and a couple of shotguns which had been given to me by Jim Sugrue, Company Captain, to mind for him.

On the 20th January, 1921, D.I. O'Sullivan was shot dead in Church Street, Listowel, at about 1 p.m. or 1.30 p.m. I was told about it immediately afterwards by one of the boys of the Company. As I was a married man, I did not leave home. At 6 p.m. three days after the shooting of O'Sullivan I was arrested by two old R.I.C. men in my home. They took me to the R.I.C. barracks where I was searched. My money, watch, pipe, tobacco, collar and tie were taken off me.

At 2 a.m. the following morning I was taken to the Military Barracks in the Square, Listowel, where I was kept for a week. Then I was transferred to Fallymullen Detention Barracks in Tralee. I was held in the Detention barracks for two days and then taken back to Listowel Military barracks. After three days here I was taken out once again, thrown into a tender, which was the last of seven and taken to Tralee County jail. The police officer in charge of the tenders was District Commissioner Holmes who had taken the place of District Commissioner Smyth who had been shot in Cork.

Tralee County jail was manned by R.I.C. and Tans. The first three days here I received no food. After I had kicked the door of my cell several times the Tans came in and beat me and threatened to kill me. Some days after this I was charged (see Appendix "A") with the murder of D.I. O'Sullivan. I was taken out twice a week on identification parades. I was lined up in the open yard with a number of other prisoners. The persons who identified me did so through a slit in the drawn blind of one of the windows near where we stood. I was then photographed in three different positions. I was held in Tralee County jail for six weeks and then taken to Buttevant Military barracks.

In Buttevant I met six other men who were in a similar position to myself. Shortly after I arrived here the Headfort ambush took place. The I.R.A. had attacked a military train at Headfort Junction and when it was over six dead British military were brought in. The Tans and military went wild that night and I with the other prisoners expected to be shot right away. A soldier came to my cell door that night and whispered to me, "Say the Rosary Paddy, I think you are ~~for~~ for it". He handed me a Rosary Reads saying "I got this in Palestine; I think a lot about it". For seven days after the ambush I with the

other prisoners were left without food. As the funeral of the six military passed out of the barracks I and the other prisoners had to stand in an open space for identification purposes.

While in Fettevant I received sulphur baths and had my clothes fumigated. After six weeks I was taken to Victoria Barracks, Cork, where my trial by General Courtmartial took three days.

During my trial I was handcuffed to a man named Ned Carmody who was also charged with the murder of O'Sullivan. (Ned Carmody was a cousin of Eddie Carmody shot by the R.I.C. in Ballylongford in November, 1920). There were six witnesses as shown in the Summary of Evidence attached (Appendix H.). Their names were as follows :-

1. Kathleen Burke, Charles Street, Listowel
2. John Nolan, Tailor, Church Street, Listowel
3. R.I.C. Barracks, Listowel
4. Morton, do. do. do.
5. Mick Mahon, do. do. do.
6. Acting D.I. Gilchrist, do. do. do.

The first witness Kathleen Burke lived next door but one to me in Charles Street. She was a daughter of a British ex-soldier and was born in Malta. Previous to my arrest I had tried to persuade the Company Officers that she was giving information to the Tans as she was very much in their company. I was convinced she was a spy and wanted to have her out of the way, but the Company officers did nothing about it and decided to give her a chance. It was she who put her hand on my shoulder at the trial and said, "That is the man".

My trial finished at 3.30 p.m. on the third day. I was then taken back to my cell and at 4.5 p.m. I was handed my Death Sentence (see Appendix G.) in a sealed envelope. After this I was watched through the spy-hole of the cell door for three days.

My execution had been fixed for 8 a.m. on the Saturday morning before the Truce. My grave, as well as the graves of four Mallow I.R.A. and an Abbeysfeale I.R.A. man named John Sullivan, also sentenced to death, had been dug in Cork Detention barracks alongside that of Pamon Kent's.

Due to the peace talks going on at the time, there was a stay in the executions. Then came the Truce and the executions never took place.

Any man sentenced to death or penal servitude was not released at the general release after the signing of the Truce. As a protest I and the other prisoners still held in Cork Detention Barracks went on hunger strike. The strike lasted five days and was called off on the advice of the Assistant Chaplain who had been asked by Alderman Tom Staines to tell the prisoners to stop the strike.

On the morning of the 9th December, 1921, I was told by one of our men that we were all being sent to an English prison. This did not happen; instead we were sent to Cork County Jail from which I was released on the 14th January, 1922.

Signed: John Lenihan

Date: July 7th. 1954.

Witness:

John J. Daly  
(John J. Daly)

|                                    |
|------------------------------------|
| BUREAU OF MILITARY HISTORY 1913-21 |
| BURO STAIRE MILEATA 1913-21        |
| NO. W.S.                           |

APPENDIX "A".

CHARGE SHEET.

The accused, JOHN LENIHAN of Charles Street,  
Listowel, EDWARD CARMODY of Ballyhorgan, Listowel,  
THOMAS DEVEREUX of Ballinrudery, Listowel and  
DANIEL O'CARROLL of Cromclough, Listowel, all in the  
County of Kerry, civilians are charged with

1st Charge.  
Reg. 67  
R.O.I.R.

Committing a crime within the meaning of  
Regulation 67 of the Restoration of Order in Ireland  
Regulations, that is to say,

MURDER

in that they

On the 20th January 1921 at Listowel, in the County  
of Kerry, feloniously wilfully and of their malice  
aforethought did kill and murder Tobias O'Sullivan.

APPENDIX "B".

SUMMARY OF EVIDENCE

IN THE CASE OF

JOHN LENIHAN of Charles Street, LISTOWEL  
EDWARD CARMODY of Ballyhorgan, LISTOWEL  
THOMAS DEVEREUX of Ballinruddery, LISTOWEL  
DANIEL O'CARROLL of TROMGLOUGH, LISTOWEL

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Witness No. 1. duly sworn, states:-

At Listowel about 12.35 hours on 20th January, 1921, I was outside the door of District Inspector O'Sullivan's house in Church Street. I remained thereabouts watching the children coming from School, and the country people on their way to market.

I hear one o'clock strike and a few minutes after I saw D.I. O'Sullivan sneaking to a Mr. Farrell an R.I.C. pensioner, on the footpath a little below Twomey's public house.

They stood talking to each other for between five and ten minutes, then Mr. Farrell and the D.I. separated each going different ways, Mr. O'Sullivan coming towards me.

I then saw the barmaid of Mr. Walsh's public house come to the door and stand in the doorway, looking up and down the road.

I next saw Edward Carmody, an ex-soldier, come out of Walsh's public house, followed by John Lenihan. They crossed the street behind Mr. O'Sullivan coming in my direction.

When Mr. O'Sullivan was about opposite the gate of Stack's public house, I saw Carmody raise his right hand in front of him. He had a pistol in his hand. He fired straight at Mr. O'Sullivan at a range of

a few yards. I saw smoke come from the pistol after he had fired. Mr. O'Sullivan seemed to move on, as if the shot had missed him. Immediately afterwards I saw Lenihan raise his arm. He too had a pistol in his hand. He fired one or more shots at Mr. O'Sullivan. He was about a pace behind Carmody. Mr. O'Sullivan staggered about four steps and fell into the gutter close to a donkey's cart, which was standing outside Twomey's shop. Immediately after Mr. O'Sullivan had fallen, I saw two young men whom I do not know, coming out of a lane between where I was standing and Twomey's house. They each fired a shot into Mr. O'Sullivan's body as he lay in the gutter, standing with one foot on the footpath and one foot in the gutter.

After they had fired, I saw the smoke coming from their pistols. Each of them had a pistol in his hand.

I screamed and ran towards where Mr. O'Sullivan was lying.

The murderers walked away in the direction of Mulvihill's Corner, Carmody and Lenihan being in front and the other two behind. I then lost sight of them.

I saw Mr. O'Sullivan was either dead or very badly wounded, and went to fetch Mrs. O'Sullivan, meeting her as she came towards where Mr. O'Sullivan was lying.

About Thursday 10th February, 1921, I saw a number of men in the courtyard of Tralee Gaol; amongst them was Carmody whom I know, and Lenihan whom I have known for some years.

I also saw a man named Devereux whom I have known for some time. He is of the same build as one of the two men who fired after Mr. O'Sullivan had fallen.

Witness No. 2. duly sworn, states:

At about 1.30 p.m. at Listowel on Thursday 20th January, 1921, I was standing at the door of my house in Church Street.

Suddenly I heard one or more shots fired, and looking in the direction of the sound I saw, as far as I remember, a man with both hands raised to his head, staggering on the edge of the footpath.

Inside and close to the wall on the right of the wounded man stood another man dressed in a grey suit, about 5' 8" in height. His right arm was drawn close up to the body in such a position as might be adopted by a man firing a pistol.

I was very frightened and went into my house where I remained for a short time.

In the Courthouse of Tralee Gaol on the 14th February, 1921, I saw 10 persons; the fourth person in a half circle numbering from right to left, which was the position in which they were standing, was about the size and build of the man I have described above. I pointed this man out to two officers of the R.I.C.

Witness No. 3 duly sworn, states:

At Tralee on the 2nd February, 1921, I arrested John Lenihan of Charles Street, Listowel, and charged him with the murder of District Inspector Tobias O'Sullivan at Listowel on the 20th January, 1921, at about 1.20 p.m. I gave him the usual legal caution. All he said was "Fight".

I next arrested on the same date, Edward Carmody of Ballyhorgan, Lixnaw, and charged him with the murder of District Inspector Tobias O'Sullivan at Listowel on the 20th January, 1921, at about 1.20 p.m. I gave him the usual legal caution. He made no statement.

I also arrested on the same date Thomas Devereux and charged him with the murder of District Inspector Tobias O'Sullivan at Listowel on the 20th January, 1921, at about 1.20 p.m.

I gave him the usual legal caution. He said "I was four miles away on that date working on my father's farm. I never belonged to any Sinn Fein Clubs or political organisations, or anything connected with Sinn Fein".

Witness No. 4 duly sworn, states:

At Listowel on the 20th January, 1921, at about 1.10 p.m. I was in the D.I.'s office at the Police Barracks looking out of the window. I saw the D.I. standing at the gate with his little son. I saw a man on the far side of the road looking at the D.I. I saw his face quite clearly. He was dressed in a brown suit and wore a white soft collar. He wore trousers and a light coloured cap.

The D.I. went down the street towards the Church. His son remained at the gate of the police barracks. In a few minutes the D.I. returned. His little son joined him at the gate and they went towards his house.

After a few seconds had elapsed I saw the man, whom I have referred to, follow after the District Inspector. I noticed that when this man was standing opposite the Police barracks watching the D.I. that his right hand was in his pocket all the time.

About 2 p.m. I saw the same man on the side of the street opposite Listowel Post Office. He was walking very fast in the direction of the Railway Station. He appeared nervous and was continually looking about him. He was accompanied by another man in a rather shabby blue serge suit.

On the 15th February, 1921, I identified No. 6 in the Courtyard of Tralee Jail as the man whom I have described above, who followed District Inspector O'Sullivan from the Police Barracks just before he was wounded.

I know him now to be Daniel O'Carroll.

Witness No. 5. duly sworn, states :-

At Listowel at about 1 p.m. on the 20th January, 1921, I was in the District Inspector's office at the Police Barracks. I was looking for papers lying on a table in the window which looks directly out towards the gate.

I saw the District Inspector accompanied by his little son standing in the gateway between the pillars with his back turned towards me. He stood there a few minutes.

On the opposite side of the street to the gate I saw two men. They were looking over at the District Inspector. One of them I knew to be a man named Devereux whom I know well by sight. I did not notice the other one particularly.

The D.I. left his son playing at the gate and went in a right-handed direction towards the Church. The two men previously referred to moved off in the opposite direction. After a few minutes the D.I. came back and after stopping a minute or two at the gate he went off in the direction of his home with his little son.

From where I was looking anyone standing on the opposite side of the road who moved fifteen to twenty yards in a left-handed direction would be lost to sight owing to the view being cut off by adjacent houses.

Witness No. 6. duly sworn, states :-

At Tralee on the 10th February, 1921 I carried out an identification test.

Amongst the accused were a number of other persons.

Witness No. 1 identified Carmody and Lenihan as having fired shots at D.I. O'Sullivan on the 20th January, 1921 at Listowel.

Witness stated that witness also recognised a man named Devereux whom witness had known for some time.

Witness stated that he was of the same build and size as one of the two men whom witness saw fire into D.I. O'Sullivan's body after he had fallen.

At Tralee on the 14th February, 1921 (Monday) I carried out an identification parade in which a number of men beside the accused were present.

Witness No. 2 pointed to a man who was standing as shown below in the position of No. 4.

|   |         |   |     |
|---|---------|---|-----|
|   | 5       | 6 |     |
|   | 4       | 7 |     |
|   | 3       |   | 8   |
|   | 2       |   | 9   |
| 1 |         |   | 10. |
|   | Ø       |   |     |
|   | Witness |   |     |

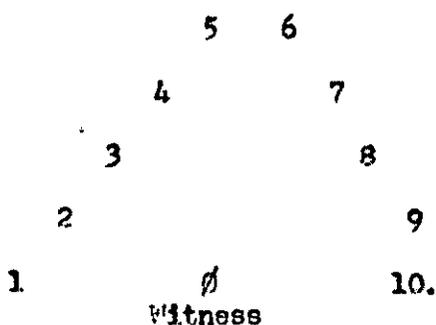
The name of this man was Daniel O'Carroll.

Witness stated that this man was of the same size and build as the man whom witness had seen firing a shot at D. I. O'Sullivan.

At Tralee on the 15th February, 1921 I carried out an identification parade in which a number of men beside the accused were present.

Witness No. 4. pointed to a man who was standing in the position of No. 6 as shown in the diagram below.

Witness stated that he identified this man as the man who stood opposite him in front of the police barracks, Listowel, who followed the D.T. and whom he again met in the neighbourhood of the Post Office after the murder.



The name of this man was Daniel O'Carroll.

7th Witness:

About 1 p.m. on the 20th January, 1921, I was passing down Church Street, Listowel, on the way from my house to the barracks. On my way, I saw Mr. O'Sullivan coming towards me on the opposite side of the road. I went across the road and spoke to him. He then passed me towards his house.

I walked in the opposite direction. About one minute later I heard almost simultaneously three shots fired, followed immediately afterwards by two more. The first three shots were fired so closely together that I thought at the time they were one shot. I turned around and went in the direction of the firing. As I came to the bend in the footpath I saw a man lying in the gutter between the wheel of an ass's cart and the footpath, face downwards, opposite Mr. Twomey's shop door.

I then assisted to lift the man up and saw it was Mr. O'Sullivan. I then went off to find a priest. As soon as I lifted up the body

I saw that Mr. O'Sullivan was dead. I saw no one near the body when I first caught sight of it, except some children and a girl who was crying.

Previously when I was speaking to Mr. O'Sullivan, I noticed a man whom I believed to be a Mr. Kirby, a national school teacher, talking to Mr. Womey at the latter's door.

8th Witness:

.....

R.A.M.C., states:-

I am Medical Officer i/c. Troops, Listowel. On receiving instructions from O/C. Troops, Listowel, on the 20th January, 1921, at Listowel, I made an external post-mortem examination of the body of Tobias O'Sullivan, District Inspector, R.I.C., Listowel, lying at the Police Barracks, and found the following marks of violence :-

Four bullet wounds, situated as follows:-

Entrance wound one inch above right Zygomatic Arch fracturing the right temporal bone.

Entrance wound, right side back of head, one inch external to occipital protuberance causing fracture of occipital bone.

Entrance wound left side of back of chest, between spine and shoulder blade, and passing into cavity of chest between the ribs.

Entrance wound at middle of inner aspect of right arm, fracture in the right humerus.

The bullet was felt to be under the skin on the outer side of the right upper arm in an area of bruised tissue. It was removed. There was considerable bleeding from the right ear.

Lacerated Wounds:

Irregular "V" shaped wounds over left frontal length two inches and edge painful and exposing the bone.

Another three quarter inch long over inner side of left eyebrow.

Irregular "Y" shaped wound half inch long on lower lip and chin leading down to lower jawbone, and situated just inside the middle line.

Circular shaped wound midway between point of chin and angle of jaw.

There was a comminuted fracture of the lower jaw.

Bruising and Abrasions:

There was extensive bruising of forehead and face and numerous abrasions of forehead and nose. In my opinion death was due to shock and hemorrhage following the fracture of the skull and laceration of the brain and caused by the above bullet wound.

Appendix "C".

INSTRUCTIONS FOR THE GUIDANCE OF COURTS MARTIAL WHERE A  
SENTENCE OF DEATH HAS BEEN PASSED.

To JOHN LEHJHAN.

The Court having found you guilty of the following charges ...

MURDER

The Court have passed a sentence of death upon you.

The Court have made no recommendation to mercy.

You should clearly understand :-

(i) That the finding or findings and sentence are not  
valid until confirmed by the proper authority.

(ii) That the authority having power to confirm the  
finding or findings and sentence may withhold  
confirmation of the finding or findings, or may  
withhold confirmation of the sentence, or may  
mitigate, commute or remit the sentence, or may  
send the finding or findings and sentence back  
to the Court for revision.

If you do not clearly understand the foregoing you should  
request to see an officer, who will fully explain the matter to  
you.

(Signed) ?

President  
General Court Martial.

Victoria Barracks, Cork.

June 1st., 1921.

