

CITY DISTRICT COURT

Important Decision

Limerick Factory Prosecuted

The adjourned case of the Department of Industry and Commerce v. Irish Products, Ltd., Limerick, was heard for decision.

At the original hearing the defendant company was summoned for not having putting machine properly fenced and protected, as a result of which an employee named Cyril Donovan, 15 Fairview Terrace, had suffered an injury to his right hand.

Mr. J. J. Power, State Solicitor, prosecuted, and Mr. A. Blood-Smyth, solicitor, defended.

It was submitted in evidence that this particular machine was not protected at a dangerous part, and that in consequence it constituted a danger to the employees.

The defence was that the machine was a standard type, and that thousands of similar machines were in use in different countries. The injured man, contrary to instructions proceeded to oil the machine while it was in motion.

Mr. Power held that it was immaterial whether the employee acted contrary to instructions or not. The machine should be fenced as to make it safe for employees, even though they be negligent in disobeying orders. In short, the machine should be fool proof, as a higher degree of care was necessary in a lorry than was required in the driving of a motor car or other vehicle in a public place.

In giving his reserved decision, the Justice said that he had visited the factory. He had examined various judgments given in several cases. The more recent and pertinent decision was given by Lord Hewart, Lord Chief Justice of England, in the case of Sowter v. Steel Barrell Company, Ltd. The facts and the decision in that case were exactly similar to the case before him. Lord Hewart held that it was immaterial whether the employees had disobeyed instructions or not—that the machinery should be so protected as to save the workmen from themselves. He was bound by that decision, and accordingly he would convict and impose a fine of £1.

Mr. Blood-Smyth applied for recognisances in the event of an appeal being taken, and the application was granted. John Gabbett, Roden Place, was summoned for dangerous driving on the 14th April.

Mr. Michael Tynan, solicitor, defended. Ed. Lee stated that while he was driving down O'Connell Avenue the defendant, who was driving a lorry, suddenly cut across him in order to go up onto Earl Place. The lorry struck his cycle, and he was thrown off.

The defendant denied negligence, and said that his speed did not exceed 15 miles an hour at the time.

The Justice said that the defendant is a careful driver, but he did not keep sufficient look-out. He would impose a fine of £1.

MANAGER'S REQUEST

Carey's Road Scheme

The Carey's Road sium clearance scheme was referred to at a meeting of the Corporation on Tuesday night, the Mayor (Ald. D. Bourke, T.D.), presiding. The Manager said that with regard to the Carey's road sium clearance scheme certain recommendation had been made by the General Purposes Committee. He would ask that that recommendation be not adopted until such time as he had an opportunity to examine the scheme and make a report. He was aware that there was a great deal of controversy regarding the scheme and he would like to be given a chance to examine the details and submit a report.

Mayor—The Council will, I am sure, accede to that request.

Ald. Reidy said he hoped that the Manager would not be influenced by the

DEATH OF REV. D. FITZPATRICK

Pastor of Banogue.

The Funeral

We deeply regret to announce the death of the Rev. Denis Fitzpatrick, P.P. Banogue, which took place unexpectedly at the Parochial House on Thursday. His sudden passing came as a great shock to his parishioners, with whom he was immensely popular, and very sincere sympathy is felt for his brother, Rev. Maurice Fitzpatrick P.P., Bulgaden, in his bereavement.

Following his ordination, the dead pastor ministered in the United States, and on his recall home he was appointed Curate in St. Patrick's, and subsequently in St. Mary's, and Adare. Four years ago he was given Pastoral charge of Banogue, and during that brief period he had the church provided with new pews, and a Shrine erected in the grounds.

Last evening the remains were removed to the sacred edifice, and this morning at eleven o'clock the obsequies took place, amid manifestations of deep regret.

His Lordship the Bishop, Most Rev. Dr. Keane, presided at the obsequies. The celebrant of the Mass was Rev. M. Fitzpatrick, P.P. Bulgaden (brother); deacon, Rev. P. Coleman, P.P., Glenroe; sub-deacon, Rev. M. McCarthy, C.C., Effin; master of ceremonies, Rev. J. Brazzil, St. John's, Limerick.

MANY CLERGY PRESENT.

The clergy in the choir were:—Right Rev. Monsignor Kent, P.P., V.F., Donegall; Ven Archdeacon Begley, P.P., V.G., Bruff; Very Rev. Canon Rea, P.P., Shanagolden; Very Rev. Canon Hogan, P.P., Abbeyfeale; Very Rev. Canon Hannon, P.P., V.G., Newcastle West; Very Rev. Canon O'Gorman, P.P.; Very Rev. Canon O'Dwyer, P.P., V.F., St. Munchin's; Very Rev. Dr. O'Brien, P.P., Effin; Revs. T. Cussen, C.C., Kilfinane; M. J. Quinlan, C.C., Pallaskenry; W. P. Harty, P.P. St. Mary's; J. Cowper, C.C., St. Michael's; M. Minihan, C.C., Martinstown; Stephen O'Dea, C.C., Dromin and Athiaccia; M. Doody, C.C., Croom; P. J. O'Callaghan, C.C., Foynes; D. O'Keefe, C.C., Ballingarry; M. Breen, St. Munchin's College, Limerick; H. Murphy, do.; Fr. Ambrose, O.F.M., Henry Street, Limerick; F. M. McCarthy, C.C., St. Munchin's; John Molony, P.P., Parteen; Wm Boyce, Knochaderry; J. O'Brien, C.C., Kilfinoy; M. Purtil, St. Munchin's College, Limerick; T. Mortell, C.C., St. Munchin's, Limerick; J. Culhane, C.C., Adare; D. O'Brien, St. Munchin's College, Limerick; H. P. Connor, C.C., Kilmallock; T. Wall, P.P., Ballingarry; J. Kelly, C.C., Ballingarry; P. C. Lynch, C.C., Rathkeale; D. Costelloe, C.C., St. Mary's; Thomas O'Sullivan, C.C., Bruff; E. Condon, C.C., Kilmallock; M. Ryan, C.C., Newcastle West; P. J. Thornhill, P.P., Adare; J. Kennedy, C.C., St. Mary's; C. Moriarty, C.C., St. Michael's; B. O'Sullivan, C.C., St. Michael's; T. Kirby, C.C., Croom; Edward Punch, P.P., Mungret; J. Carroll, C.C., Bruff; T. J. McNamara, P.P., Patrickswell; J. P. Godfrey, St. Patrick's; B. Gill, C.C., St. John's; J. Connors, C.C., Kilmeehy; C. O'Sullivan, P.P., Cratloe; J. R. Liston, D.I.; J. Moloney, P.P., Fedamore; W. Creed, C.C., St. John's; R. Ryan, O.M.I., Cahermoyle; D. Fitzgerald, P.P., Kilcornan; James Carr, P.P., Kilfinane; J. Carroll, P.P., Ardpatrick; M. J. McCarthy, C.C., Effin; W. J. Carroll, Adm., St. Michael's; P. J. Casey, P.P., Ballyhahill; William O'Connell, C.C., Fedamore; J. Liston, P.P., Ardagh; John Halpin, Parteen; D. O'Riordan, P.P., Manister; T. Fennessy, Limerick; D. Martin, St. Munchin's College, Limerick; J. J. Chawke, C.C., St. Michael's; D. O'Donnell, C.C., Bruree; M. Kelly, Templeglantine; Rev. P. McNamara, P.P., Ballygran; J. Bluett, C.C., Ballybrown; James Wall, P.P., Croom; Patrick Lyons, C.C., Ballygran; Michael Connolly, C.C., Crecora; Bro. D. O'Rourke, Superior, Christian Bros., Adare.

The chief mourners were—Michael and Daniel Fitzpatrick (brothers), Mrs. M. Fitzpatrick (sister-in-law), Misses Ursula, Shiela, and Julia Fitzpatrick (nieces); John Fitzpatrick (nephew).

WORKMEN'S INJURIES

Cases at Circuit Court

Doctors Differ

His Lordship Judge E. J. McElligott, K.C., continued the business of Limerick Circuit Court with the hearing of county workmen's compensation claims.

Denis O'Connell, Broadford, Charleville, Co. Limerick, brought an application to review the compensation being paid to Michael Tobin, who was injured in the employment of applicant on July 5th, 1937.

Mr. Wm. Binchy, B.L. (instructed by Mr. R. Geary, solicitor), for the applicant, and Mr. T. Pigott, B.L. (instructed by Mr. W. Leahy, solicitor), for the defendant.

Mr. Binchy said Tobin was in receipt of £3 a week compensation as a result of having fallen from a scaffold.

Mr. J. O'Connor, Croom, gave evidence of having examined the injured man, and expressed the view that work would do him good. He complained of nervousness, but in witness's opinion the man should be able to do any work.

In reply to Mr. Pigott, the doctor said that it would not surprise him if the man was nervous of going on a scaffold.

Denis O'Connell said Tobin had met with an accident while in his employment on July 5th, 1937, and was being paid 30s. a week compensation. He was prepared to provide work for Tobin.

For the respondent.

WAS NERVOUS.

Mr. Tobin said that as a result of his accident he had a small pain between his shoulders, and he was nervous. He was a carpenter by trade, but was not now capable of doing a day's work.

Dr. M. Feely stated he examined the applicant on April 8th, and said the applicant would be able to do a reasonable amount of work now, but was nervous.

Judge—I am satisfied this man is not nearly as bad as he says he is. I will allow him £3 a week until further order.

WHILE STORING HAY.

James Rourke, Ash Hill Cottage, Kilmallock, Co. Limerick, brought a review application in respect of compensation being paid to Mr. Carey, The Hill, Kilmallock, in respect of an injury sustained on September 27th, 1937.

Mr. T. K. Liston, B.L. (instructed by Mr. P. G. Collins, solicitor), appeared for the employer; Mr. M. Danaher, B.L. (instructed by Mr. T. E. F. Bennett, solicitor), appeared for the respondent.

Mr. Liston said the workman was being paid £1 a week in respect of injury to his back sustained while storing hay.

Dr. M. Feely said when he examined the workman in January, 1938, he walked with a slight stoop, and had pain in the left lumbar region. The man stated that he had slipped while loading a hay cart, and the vehicle struck him on the back.

NOTHING WRONG.

Dr. Feely said when he again examined the applicant on last November, he was quite satisfied that there was nothing wrong with him, and that he had exaggerated his injury.

Replying to Mr. Danaher, the witness said that he did not agree that the X-Ray photograph showed a fracture of the lower part of the spine. When he examined the man on the first occasion he gave him the benefit of the doubt.

Dr. H. Roche-Kelly said he X-Rayed the workman and came to the conclusion that there had not been any bone injury.

For the respondent.

DOCTORS DIFFER.

Dr. J. Ogilvie said he first saw the applicant in September, 1937, and had X-Ray photographs taken. He came to the conclusion that the workman had sustained a fracture of the left lumbar region. The applicant complained of pain, which would be consistent with a fracture. He had seen the workman repeatedly since, and formed the conclusion he was unable to work. He did not agree that the man was malingering, and as the X-Rays were contradictory he thought there should be a second radiological opinion.

CURRENT REVIEW

STOVES.

Stoves are not popular in the average household, and appear to be an abomination to the Corporation. They are not satisfactory in the Janesboro' houses, where they are installed. My earliest acquaintance with one was in a city building long since demolished, and the use exuberant youth could find for it was not agreeable to the older visitors. The Mayor says stoves are imported, so away with them; ranges are made in this State, now breathe his worship, install them. We must not allow our patriotism to wane. Did it occur to the Corporation that these stoves are suitable for coal mined in Castlecomer, unlike ranges?

ENTER MR. BERKERY.

The City Manager must have felt a little embarrassed by the spate of oratory that heralded his debut at the Corporation meeting this week. The Mayor led off in a few nicely chosen sentences, after which there was, to introduce a racing phrase, a jostling for the rail. Ald. Reidy moved in, alluded to Mr. Berkery's record in Clonmel, and predicted success for his administrative ability here. Then Mr. Keyes took a hand, at least voiced what he felt, and before the seventh member had passed the post nearly all the adjectives of adulation were exhausted. The Manager's reply was based on the maintenance of the services, and the interests of the ratepayers. The future of the Municipality is in safe guardianship.

TRIBUTES.

The tributes paid to the Acting Manager's administration will be echoed by the citizens. I wish to join sincerely in the complimentary references to Mr. Michael Donnellan, and to thank him for his allusion to the "Limerick Chronicle," which is appreciated. He has handed over the sceptre to Mr. Berkery, with a greatly enhanced reputation in the Civic service. He has displayed initiative, energy, and ability in the performance of the duties, which are becoming more intricate and exacting with the passage of legislation. Mr. Donnellan's eulogy of the ratepayers was amply deserved; they have met their obligations with a punctuality beyond all praise, and in that way made the Acting Manager's path smooth and agreeable.

WHERE AND WHEN?

Where is it all going to stop? There is to be a further demand on the ratepayers for the purposes of the Unemployment Assistance Fund, which is only encouraging laziness among the young. There are boys in receipt of money from the fund who have no anxiety to work, and will not join the Defence Forces. Legislation is now to be enacted to squeeze more out of the ratepayers in order to buttress the iniquity. The modus operandi is to exact contributions on gross instead of net valuations. That is most unjust in view of the fact that the Corporation does not collect the full rates on new houses. At present Limerick's contribution is roughly £7,000 a year—the proposed legislation will bring it to £8,000.

FINIS.

Strikes are not profitable undertakings to either side involved, and of this there are numerous examples. Conciliation is the best course, and no matter how long a dispute drags on, a day must come for examination, or re-examination of the issue, and settlement. The strike at McBirney's drapery stores, which has just ended, could be avoided if the Management had accepted the reasonable proposition of the mediators prior to the suspension of work two months ago. Valuable time has been lost to firm and trade connection dislocated, with consequent diversion of receipts. However, as it is never too late to see the error of your way, and to correct it, now that McBirney's strike is over, it is hoped relations remain cordial between management and staff.

SYMPATHY WITH FORMER ADM.

There is very deep sympathy in the city for the Rev. Maurice Fitzpatrick.