

HAD EXTENSIVE WOUNDS

Evidence In Murder Charge

HOW LIMERICK PUBLICAN MET HIS DEATH

Many Witnesses Examined

There can be no doubt that this was a most merciless deed, which was perpetrated in the shop of the dead man on the night of June 17th, said Mr. T. Donovan, B.L., when the taking of depositions commenced at Limerick to-day, before District Justice D. F. Gleeson, in the charge against James Kennedy (22), Sexton Street North, Limerick, of the wilful murder of a seventy years old publican, Thomas Fahy, who was found battered to death on the floor of his premises.

Mr. T. Donovan, B.L. (instructed by Mr. Maurice Power, State Solicitor's Office) prosecuted, and Mr. M. B. O'Malley, Solicitor, appeared for the accused.

Opening the case, Mr. Donovan said the tragedy was discovered almost by chance within a short time of the alleged murder. A Mrs. O'Neill, who used to deal in the shop for groceries, found she needed butter, and called to the shop of deceased at about 10.15 p.m. on the night in question. The premises were locked up, but she had a key which opened the hall door, and on getting, no answer to her knocking she entered. She saw the huddled figure of a man lying on the floor of the shop, with blood around him. She then ran quickly out and the Guards were on the scene at about 10.30 p.m. It would be established that the deed had been committed about three-quarters of an hour previously, when the deceased was brutally struck down and killed. One witness would say that the deceased was alive at 9.40. He fixed the time with considerable accuracy, because when passing the shop which was locked, he looked through the window to see the time on the bar clock, and saw Thomas Fahy standing behind the bar of the grocery counter. Another witness would say that the accused and deceased were left alone in the shop that night, and considerable evidence would be given about a dexter rain coat belonging to the accused, which would have a bearing on the case. Continuing, Counsel said that evidence would tend to show that the accused had been manoeuvring to be left alone in the shop and had been lurking in the lavatory. A young boy would tell of seeing what was described as a crouching figure inside the counter when he looked through the window, and of seeing a hand pulling down the blind, following which a man left the premises walking at a fast pace.

"VERY BRUTAL FORCE."

"It is clear," said Counsel, "that very brutal force was used to strike down the deceased. There were at least twenty-four wounds on the body. The motive would appear to have been haphazard robbery, but money was taken from the shop, and on this night the Guards found the accused treating friends to drinks and entertainment, although earlier in the evening he did not appear to possess any money. A sum of almost five pounds was found on him, and while all the money in Fahy's shop was not taken, some was. There would be no doubt when all the evidence was taken that a prima facie case would be established against the accused."

Alice O'Neill, 22 Little Gerald Griffin Street, stated that on the night of June 17th last she went to the shop of Thomas Fahy at 39 Mungret Street. She knocked at the hall door, as the shop was shut. Getting no reply, she looked through the letter box and saw the door inside, leading to the shop portion of the premises, open. She then went into the shop, opening the door with her own key.

Mr. O'Donovan—Did you know the key would fit—I tried it.

Continuing, witness said that she called Thomas Fahy three times and got no reply, she stood at the shop door and saw a lot of boxes strewn around. She then saw the figure of a man on the floor, like Mr. Fahy. It was lying on the ground just inside the steps leading down into the shop from the hallway. There was something shining in the darkness around the body that looked like blood. She then left and went for the Guards.

Mr. O'Donovan—Did you see anybody at the shop when you were leaving?

Witness—I saw a girl named O'Dwyer and another girl named O'Connor, who were standing at the corner.

BLINDS WERE DRAWN.

Witness added that when she was in the shop all the blinds were down and there was no light.

Christopher Cahill, 23 Doyle's Cottages, John Street, Limerick, aged 19 years, said he had been in the Construction Corps and while there he knew accused who was a corporal. Kennedy was a good gymnast.

On Tuesday night, June 17th, witness went in the direction of Mungret Street, sometime after 8 o'clock. He saw the accused and had a conversation with him. Accused asked witness if he knew his (accused's) sister was dead. Witness said he did. Witness then went away to the Carlton Cinema. Accused told witness that he was going down to the premises of Thomas Fahy.

Mr. O'Donovan—Was accused walking normally?—He walked kind of steady, but he was a bit boozed alright.

Witness continued that another man named Sammy Joyce was present when he was talking to accused.

Mr. O'Donovan—Did you say anything when the accused said that he was going to Fahy's?—I said: "What do you want there?" and he said he was going down to get money or three pounds. Witness told Kennedy that Fahy would give him no money and Kennedy then said: "I'll get it" in an ordinary tone of voice. Witness then gave accused a shilling and they parted.

Samuel Joyce, Quarry Road, Thomondgate, a labourer, said that he was present when the last witness and accused were speaking in High Street on the night of June 17th. Kennedy had a drink taken and was talking rather foolishly, like a man who would have had a few drinks. He was talking about

his sister having died and said he was going to get a few pounds from accused. Witness told accused not to go to Fahy's shop.

Mr. O'Donovan—Why didn't you want him to go down?—I didn't want to see him getting into trouble.

WENT INTO SHOP.

Continuing, witness said he remained talking to the last witness for a few minutes and then went down High Street, and into Mungret Street. Shortly after eight o'clock, he saw accused going into Fahy's shop pushing in the door which was closed. The door closed after him.

Witness went away and, returning at about nine o'clock, he saw the deceased, Thomas Fahy, standing near the window of his shop. There was a girl in the shop and accused was also there, standing at the grocery counter with a white dexter raincoat on his arm. When witness had first met accused he was wearing this coat. In the Construction Corps there was a gymnastic team of which he and accused were members.

Witness went away and returned at about 9.30 and stood against the corner of Fahy's premises. All the doors were closed and the blinds drawn. A Mrs. O'Grady came along and knocked at the side shop door and knocked. Witness looked in through the shop window in the Square and saw the shop was between dark and bright. He saw a pint glass half full of stout on the counter with a white dexter raincoat on the grocery counter. Witness heard a sound in the shop similar to the tapping of a barrel and heard Fahy's voice from the back of the shop. He could not hear what deceased was saying. After about five minutes, he left.

Replying to the Justice, witness said Mrs. O'Grady got no answer to her knock.

Mrs. Delia Kidney, 6 Francis St., Limerick, recalled that on the night of June 17th last, at about 8 o'clock, she went to the premises of deceased and while there, she saw Fahy go into the lavatory and shouting: "Come out here, young man; I want nobody loitering around my place." As far as she knew she and Mrs. O'Grady were alone with Fahy in the shop at that time. For a while, nobody came out of the lavatory. Then Fahy opened the two sides of the Mungret Street shop door and looked up and down the street. He then came back to the shop and, in a low voice said: "If I can get a Guard I will get the place cleared." Then a young fellow came out of the toilet. The man who came out of the toilet, she now identified as accused, had a pint glass of stout in his hand, which he brought over to the grocery counter, and a raincoat on his arm.

THEY SEEMED FRIENDLY.

Witness waited in the shop until after nine o'clock, about half an hour after the man came out of the toilet. There was no conversation between Fahy and the man during that time, but they seemed friendly. Mrs. O'Grady then asked accused to stand a drink. Witness said she didn't drink and didn't want a drink, and accused said he'd stand a drink if he could, but that he had no money. Accused then gave a penny to witness's baby, who was in her arms. At 9.30, when witness left the shop, the door leading into the shop from Mungret Street was open. On that evening, accused was wearing a blue collared shirt, similar to that produced.

Mrs. Margaret O'Grady, High St., Limerick, said that on the night of June 17th last she and Mrs. Kidney were in the shop of Thomas Fahy in Mungret Street. While she was in the shop Fahy called into the toilet and asked somebody who was there to come out. After some time accused came out with a dexter coat on his arm and a pint glass, three-quarters full, in his hand. Accused said he knew Mrs. Kidney and when, out of a joke, witness asked him to buy Mrs. Kidney a drink, he said he would if he had any money. Witness left the shop about a quarter of an hour after Mrs. Kidney, leaving Fahy alone in the shop with accused, and the door was closed behind her. She went home to make tea, and when she had boiled the kettle she found she was short of sugar. She then returned to Fahy's for sugar and tried to get in by the door, but it was closed. She then tapped on the window and called out: "Mr. Fahy." In reply, she heard a voice from the end of the shop, but could not distinguish what was said. She heard a barrel being tapped in the shop. She looked in the window and saw a dexter raincoat and a glass of stout on the counter. She saw nobody in the shop. Sammy Joyce and a young boy named O'Carroll were outside the shop with her at this stage. At between 9.50 and 10 o'clock she left the vicinity of Fahy's shop.

Mrs. Bridget Williams, 3 Joss Lane (off Mungret St.), said that on the night of June 17th last, at 9.15, while passing Fahy's corner she looked into the shop through the window. She saw a dexter overcoat and a pint glass of stout on the grocery counter. She saw a light going on and going out again. While the light was on she saw nobody. After she had been five minutes at the window she saw a man, whose face she couldn't see, but who was wearing a dark suit, crouching under the grocery counter.

STATE PATHOLOGIST EXAMINED.

Dr. John McGrath, State Pathologist, said that on June 18th last he saw a dead body lying in a corner of a shop at 39 Mungret Street, face downwards, on the right hip. The legs were near a stove and the head close to the wainscoting in a gap between two seats. The flat of the left hand was closed and lay under a small sack. There was much blood on both hands, on the clothes, and especially on the arms and shoulders, and on the floor near the head. A brush and portion of a stove lay under the left shoe. Another portion of a stove lay on the floor under the left arm, and a third portion under the seat near the head. These fragments

FRAUD CHARGES

Alleged Conversion Of Monies

FORMER POSTMISTRESS IN TROUBLE

At a Special Court held at Kilmallock by Mr. H. L. Conner, B.L., D.J., Miss Bridget Hannan, Hospital, formerly sub-postmistress at Hospital, was charged on three counts with fraudulently converting to her own use and benefit certain sums, totalling £235, entrusted to her for investment in Savings Certificates, or Post Office Savings Bank.

SUMS ALLEGED TO BE CONVERTED.

The sums alleged to be so converted were as follows:—£80 out of £280 entrusted to her by Miss Ellen Mary O'Meara, of Ballyhane, Emly, in March, 1944; £40 in four sums of £10 each entrusted by Michael McNamara, of Rathany, in February and April, 1944; £115 entrusted by Michael Shanahan, of 50 Bloomsbury St., Birmingham, England, in the month of May, 1944.

Mr. M. M. Power, acting for Mr. J. J. Power, State Solicitor, appeared for the prosecution and Mr. T. F. Bennett, solicitor, with Mr. L. Walsh (Bennett and Walsh) defended.

DEPOSITIONS.

Depositions were made, by the three parties whose money was alleged to have been converted. Joseph Fanning, Postmaster of Kilmallock from 1940 to June, 1946, said that Hospital Post Office was under his control during that time. Miss Hannan was employed as Postmistress at Hospital up to 5th May, 1944.

Other witnesses having been examined, the further hearing of the case was adjourned to Thursday next, July 24th.

showed blood-stains, and fresh breaks in the metal. A wooden box near the body was much blood-stained, and the ground under it was also covered with blood, indicating that the box had been moved after the blood had got on the floor. There were smeared stains of blood on the top of a brass bar inside a window facing the square. The two blinds of this window were drawn and a few blood-stains were present near the right bottom portion of one of the blinds. There were fragments of broken glass around the body.

At Barrington's Hospital witness later performed a full post mortem examination of the body, assisted by Dr. Holmes. The body was that of a man of about 70 years of age, and was fully clothed. The clothes were much blood-stained around the shoulders and on the front of the chest. The linings of the two pockets were pulled out and were smeared with blood.

THE WOUNDS.

He found scrapes and bruises on both hands and on the neck. The head showed a multiple number of wounds and bruises; there was a ragged wound on the right side of the nose, two inches long. Both nostrils were crushed and irregularly wounded. The nose was broken and flattened. There was a star-shaped wound with five holes in the middle of the forehead. There were two deep incised wounds on the outer side of the left eye. The left ear was bruised and out, and there was a bruise on the head immediately behind it. There was an L shaped wound on the left side of the head. On the left side of the forehead there was triangular wound and a zig-zag wound above this. There were four crush wounds on the top of the head, and two bruised wounds on the right side of the forehead. There were three bruises on the right side of the head. There was a torn wound on the lower lip.

Examination of these injuries, some of which were compound, indicated that they had been caused by at least 24 separate impacts. Most were rough and bruised wounds, such as would have been caused by blunt instruments, but five of the smaller wounds were incised. In the wounds on the centre and left side of the forehead, fragments of paint were found, similar to that in a paint tin near the body. The bones of the nose and face were broken, and a tooth was missing from the lower jaw. There was a bruise over the right second rib, and the eighth rib was broken in front, about 2½ inches to the right of the mid-line. The hyoid bone of the neck was fractured in two places with bruising of the surrounding tissues. The stomach was empty, except for some swallowed blood. There was blood in the windpipe and the lungs were congested. There was a haemorrhage of the brain.

OTHER INJURIES.

Describing the injuries on the other organs of deceased, witness said that on the left arm there was a bruised scrape, and on the index finger, and small bruises on the knuckle. There were three small bruises on the forearm and scraped bruises on the elbow. On the right arm there were small bruises on the back of the hand, and on the forearm and scraped bruises on the elbow. There were five scrapes with bruising on the right side of the neck, and eight on the left, such as would be made by finger nails. Death was due to shock and haemorrhage and respiratory failure, caused by strangulation and by the wounds to the head. The injuries showed that the deceased man was strangled, his chest was crushed, and that he had received at least 24 blows on the head from objects, such as a bottle, a paint tin and the top of a stove.

Later, continued witness, he received a number of articles which he received from Supt. Lawlor. A blue shirt, which had been already produced, showed well-marked stains of human blood on the front and right sleeve. Another blue shirt, a celluloid collar, a tie, two woollen vests, an overall shop jacket, and braces, which he understood to be the property of the deceased, were much stained with blood. A paint tin was dented and crushed, and was much stained with human blood, to which many hairs were adherent, which were similar to deceased's. Four pieces of stone fitted together to form the central lid of a stone in the shop of deceased. Hairs on one of the pieces were found to be similar to that of deceased. A number of hairs found on accused's clothing were found, on examination, to be similar to that of the deceased. A blue jacket showed well-marked stains of human blood on both sleeves and a

(CONTINUED ON PAGE 4)

MAJORITY OF ONE

Outgoing Chairman Elected

A CLOSE CONTEST

By nine votes to ten Limerick County Committee of Agriculture at its annual meeting on Saturday re-elected Mr. John Quaid, Co.C., as its chairman for the coming year.

All of the Committee's twenty members were present at the outset of the meeting, at which Mr. Quaid presided.

Mr. Michael O'Donnell, Co.C., proposed the re-election of Mr. Quaid who, he said, had given long service in the administration of the county, and who had devoted the best part of his life to this work. Anything Mr. Quaid had ever done as Chairman was to his credit. As well as this he had contributed an important part to the national cause.

Mr. D. O'Grady, Co.C., seconded Mr. O'Donnell's proposition.

Mr. J. W. Cauty, Co.C., said that although he had no objection to the re-igning Chairman, he would propose the election of Mr. J. J. McNamara, Co.C., as his successor. If Mr. McNamara were elected, Mr. Cauty said, he felt sure he would carry out the duties of Chairman well and properly.

Mr. D. Clancy, Co.C., seconded this proposition.

THIRD CANDIDATE—A WITHDRAWAL.

Mr. M. J. K. Dore, solicitor, said he saw no reason why the "two big parties" in the Committee should have all the say and, accordingly he proposed that Mr. J. Fitzsimons, Co.C., be appointed as Chairman.

Mr. Sean Hays, Co.C., who said he considered Mr. Fitzsimons a man of outstanding qualities, seconded the motion of Mr. Dore.

The Chairman then directed that a poll be taken for the three members proposed and seconded and, after five votes had been taken (Mr. P. Clohesy, Co.C., for Mr. Quaid; Messrs. Cauty, Clancy and R. M. Cleary, Co.C., for Mr. McNamara; and Mr. Dore for Mr. Fitzsimons), Mr. Fitzsimons announced his desire to be withdrawn from the contest. He pointed out that when his name had been proposed he had been engaged talking to a member.

Chairman—The vote is now on and you cannot withdraw.

Mr. Fitzsimons insisted that he be permitted to withdraw his name, mentioning again that he had not heard the proposition of Mr. Dore.

The Chairman then allowed Mr. Fitzsimons to withdraw, and declared that the poll would be a straight issue between Mr. McNamara and himself.

HOW MEMBERS VOTED.

The voting which followed was:—For Mr. Quaid—Messrs. Clohesy, Co.C.; Fitzsimons, Co.C.; P. Lillis, Co.C.; P. Maguire, Co.C.; D. McAuliffe, Co.C.; P. T. McCarthy, Co.C.; M. O'Donnell, Co.C.; D. O'Grady, Co.C.; P. W. Ryan, Co.C., and J. Quaid, Co.C.—10.

For Mr. McNamara—Senator D. J. Madden, Co.C.; Messrs. Cauty, Co.C.; Clancy, Co.C.; Cleary, Co.C.; Hayes, Co.C.; McNamara, Co.C.; T. O'Connell, Co.C.; P. M. O'Connor, Co.C., and D. P. Quish, Co.C.—9.

When Mr. Dore's name was called he replied: "Not interested."

The Chairman then declared himself elected and thanked the members who had voted for him.

On the proposition of Mr. McCarthy, seconded by Mr. Fitzsimons, Mr. Maguire was unanimously elected Vice-Chairman.

DROWNING TRAGEDY

CO. LIMERICK GIRL THE VICTIM

As a result of an accident while stepping into a small boat at Clogherhead Pier, near Drogheda, on Saturday, Miss Christine Kellegher, aged 22, lost her life.

Miss Kellegher, who was a native of Co. Limerick, and lodged at North Strand, Drogheda, was employed as a waitress in a Drogheda cafe.

It appears that Miss Kellegher, with a Miss Moynihan and a Miss Gardiner, of Drogheda, were about to go for a short trip in the boat with Mr. Charles Markey, junr., at Glaspistol, Clogherhead, when the tragedy occurred.

Mr. Markey and Miss Kellegher got into the boat from the steps at the pier, and Miss Moynihan was about to step in after them when the boat moved away and she fell into the water. The boat then capsized.

Mr. Markey succeeded in reaching the steps, and two Rush fishermen, named William and James Magee, who were in the harbour, with Thomas Hughes, of Hardman's Gardens, went to the rescue, and brought Miss Moynihan to safety.

By this time Miss Kellegher had disappeared.

She was eventually brought ashore but artificial respiration proved in vain.

AFTER LOURDES VISIT

CRIPPLED GIRL WALKS

At Shannon Airport yesterday evening, twelve-year-old Sally O'Leary, of Pittsburg, U.S.A., walked from the Paris-New York bound T.W.A. plane into the dining room where two weeks ago she had to be helped. With her mother she was returning from Lourdes with others of Father Cox's pilgrims. Leaving her steel limb braces behind her at the Holy Shrine, cheerfully she said: "It was the Blessed Mother herself who did it. Although I cannot say I am completely cured, it is the first time that I have walked unaided."

She said that after the first visit to the Shrine she felt an improvement.

"We are all very pleased with Sally's recovery, but it is too soon yet to state if she has been a complete cure," said Father Cox, organiser of the pilgrimage.

CO. LIMERICK NUNS FOR CHINA

Four Missionary Sisters have sailed from Southampton for China. They include Sister Mary Benedict Berkery, Pallasgreen, Co. Limerick, and Sister M. Anastasia O'Connor, Templeglantine, Co. Limerick.

HARBOUR

Dockers U

VACANCY

Mr. M. W. McGee presided at the Limerick Harbour Dockers' meeting. The other members present were: Ald. D. Bourke, O'Malley, James Loughrey, G. E. Browne, P. J. Whelan, B.C.; P. J. P. Goodbody, J. C. Hickey, B.C. Mr. T. C. O. Deputy Manager van, B.E., Harb Capt. C. J. Master, were the

ance. In connection with the last meeting at the Harriott, Secy Federation, to the not now possible negotiations with the as the majority members of the following the Mr. Ed. Brown rick Branch of t

"We desire receipt of your enclosing copy of you from Mr. Limerick Empl and, in this con out that, it is no let you have o ments on the above. I assu members observ tion will be plac next meeting."

The Chairman would give eve Union to reply made in Mr. He

VACANCY

Mr. C. P. McD Engineer's Office his resignation, had now offered long-deferred an the Board for m tended to him.

Answering M Deputy Manager that he is destru Chairman—The us to do is to acc

It was then de resignation, ever extended to Mr. future.

The Deputy M Mr. Hickey, said sure if the vac within the categ filled by the L Commissioners, notify the Minist was vacant and should be follow

Chairman—We information at o The Deputy that since the regular trader, overseas vessels port.

AIRPORT OFF

CONDITIONS

Conditions gove ment of a med Shannon Airport ceer of Health l by County M Clare.

According to tra credit will dates who have port or port r have experience Candidates mu age on or before must possess a in public health gree in sanitar medicine. An i be set up in c appointment, w the Board's r County Manage to the sanction Health. The ap for six months person appointe for re-appoint that period, sub service. The a as Airport Of Medical Officer male officer, o year and £100 le cer. Free unfur also a free un dived at the A to the qualifi candidates must general experie will be given to experience. Ser fence Forces will consideration. ted will not be in private pract port area.

THE CHOICE

We have r Department of I entitled "The C which has just which deals in a life of a Cadet Forces and his conclusion of hi as an Officer in Service.

For the aspiri Cadetship the prove of con Copies may be roign on appli Roine Cosanta Clith.

INCREASE OF

Following cor the I.T. & G. Department of over the past Minister for He fare has author 50 per cent. in staffs of Mental

DEARE

Petrol in the ties has been ir gallon on and Minister for I more has mad effect owing t The new price l and 2/4 in the

ENNIS

The strike t cleaning staff until August 1 facts being rep quarters of the enaure official strike against a crease of one six members of