

HE MADE NO STATEMENT Evidence in Murder Charge

WHAT TOOK PLACE IN CELL

Accused Man Returned For Trial

To-day was the final day of the taking of depositions by Mr. D. F. Gleeson, M.A., D.J., at the Limerick District Court, in the charge against Thomas Kennedy (22), Sexton Street North, Limerick, of the wilful murder of Thomas Fahy, 39 Mungrat Street, a 70-year-old publican.

The proceedings concluded at approximately 4 o'clock this afternoon. Before the accused was returned for trial to the next sitting of the Central Criminal Court, Dublin, his Worship asked him if he wished to make any statement, to which the accused replied: "No, sir."

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.

Mrs. Maureen Gleeson, said that she lived in a flat below that of Matthew Fahy, at 23 William Street. She remembered the funeral of Mrs. Fahy on the 17th June. She saw the accused that night at about 11 o'clock in the back room of Matthew Fahy and noticed that he was drunk and that he was crying. Matthew Fahy and Mrs. Keenan were also in the room, and the accused stood at the door and said: "Are you there, Matty Fahy?" Matty Fahy replied: "I am, where else would I be, only in my own house." The accused was crying because of his step-sister, Mrs. Fahy, and said: "I will be up in the Asylum." Witness accused accused to take off his dexter coat, and he replied: "I will in a minute." She saw that his shoes were muddy. Witness left shortly afterwards; then came back again, and saw the accused sitting at the fire. Observing his shirt, witness asked accused if he wore in a row. The shirt was torn at the time. To her question, he accused replied: "No, Witness finally left at about 12 o'clock, and at that time Julia Fahy and Teresa Mackessy went down the stairs.

SCENE OF THE TRAGEDY

Inspector Wm. Byrnes, William Street, Limerick, said that on the 18th June he went to 39 Mungrat Street at 1.30 a.m. Supt. Collieran was there at that time. Witness saw that nothing was disturbed until Garda Quinlan, Garda Venn and Dr. McGrath arrived. Witness made a search and found the top of an old stove (produced) between a blood-stained sack and a step near the kitchen wall. On the 19th June he found numerous particles of glass on the floor, extending from where the body had been to the partition separating the grocery and the bar. Towards the lavatory, on the other side, he found more glass. He also found a blood-stained cloth in the kitchen off the bar and a piece of glass on the counter. He also found a blood-stained finger bandage on the grocery side of the blood-pool. Witness also took a sample of blood from the pool and another from a mirror on a wall (kitchen end of shop).

Witness examined the walls, and within a radius of eight feet from the body he counted over 400 blood spots, varying in size from a 3d. bit to a pin-head. The highest was 6 ft. 10 ins. from the ground level. At the base of the rear door (leading into the shop) there were a number of blood-splashes or stains. There was also a blood smear on the door on the outside, covering an area of three inches and 1 ft. 7 ins. from ground level.

FOUND MONEY IN VARIOUS PLACES

In searching the shop he found money in various places in the shop and kitchen. On right drawer of the till there were coppers, 25/2d.; in right rear drawer of till, silver 3/10s. In shelf next to snug the amount of 3/2s. and one 3d. piece. In another drawer, which was behind the counter, witness found two copper bags; (a), coppers, 5/-; and (b), farthings, 3/5. On the ground and on the shelf next to the snug, he found loose cash to the amount of 3/2. In sack under counter there were 6d. pieces to the amount of £3 12s. That was all he found in the shop. In the kitchen he found several boxes of coppers and sixpenny pieces to the amount of £15 6s. 4d. The total sum came to £23 12s. Witness noticed that the clock on deceased's premises was five minutes slow.

Inspector Patrick Pender said that on the 17th June he went to the premises of the deceased, where he found the neck of a broken bottle on a box near a fixed seat in the shop. He observed that a tea chest containing four large tins had been shifted from its original position to the inside of the counter, beside the snug. He also saw a pint glass there about one-third full, and observed porter stains on the counter, and pieces of glass inside and outside the counter. The blinds were drawn at the time, and he saw there a drawer on the floor, while two drawers, on the wall at the back of the counter, were pulled out, and there were empty bags strewn on the floor, and one was torn. Witness assisted the Superintendent in his investigations.

TAKEN TO GARDA STATION

Sergt. John Hanrahan said that on the night of the 17th June he saw a board on the floor that appeared to have been used as a barrier at the counter. Witness then went to the residence of Matthew Fahy, 23 William Street, and Inspector Griffin. They found the accused asleep in bed there, and Matthew Fahy had some difficulty in waking him. Witness found blood stains on the shin-bone and saw right knee of the accused, but saw no cuts or bruises. At the foot of the bed witness found a pair of blood-stained shoes. Witness heard Inspector Griffin say to accused: "What put the blood there?" The accused replied: "It may have happened after the funeral." Witness got the accused to dress himself, and handed him Matthew Fahy's pants, but the accused said that he wanted his own trousers. Witness also handed him a pair of Matthew Fahy's shoes, and the accused said he wanted his own shoes, and he then reached for blood-stained shoes. The accused appeared to be dazed, and suffering from the effects of drink. Witness helped him to the Garda Station, where he was handed over to Guard Buckley. Witness returned

to the deceased's premises on the 18th June, and noticed that the clock was five minutes slow. Witness was present when Mr. McGrath arrived, and took possession of articles which were got at the scene, which were 3 pieces of a stove, a tooth, a paint tin, wooden box, two seat legs, particles of broken glass, board of counter used as barrier, and sack of flour.

SEARCH OF ACCUSED'S CLOTHING

On the next day he searched the accused's clothing and found several ribs of hair on the trousers and coat. Witness put these into two glass tubes, and had them handed over to Supt. Lawlor. Inspector Byrnes handed him articles: part of stove, sample of blood taken from mirror, sample of blood from pool, blood-stained clothes found in kitchen, blood-stained bandage and pieces of glass. From Inspector Griffin he got trousers and coat of accused, and more ribs of hair. From Sergeant Farren he took articles given in earlier evidence. Witness also got a wallet from Sergeant Farren containing a sum of money. From Sergeant Murphy he took an overcoat, blue shirt, leather belt, wooden undershirt belonging to accused, and a hand-bag and one clean handkerchief, which was in the hand bag with money. He took the neck of the bottle from Inspector Pender. He got from Guard Sweeney a brass-bar, a blue window blind, samples of dirt from finger nails, and samples of water. With Sergeant Farren witness carried out a test on the 24th June at the deceased's shop. On the 17th June the lighting-up time for the street electric lights was 10.25 p.m. Witness gave all the articles to Supt. Lawlor.

WHAT DOCTOR SAW

Dr. John Holmes said that he went to the deceased's premises at about 11.30. He saw the body there towards the ground with the head towards the wall, the right shoulder near the seat, and right arm down by the hip with the palm of the hand facing upwards. The left arm was stretched out, with a small bag of flour on the top of the hand and forearm. There was a large pool of blood beside the body, and the clothing was soaked in blood. On raising the body witness found multiple wounds on the head, forehead and face. The nose was badly broken and flattened, and there was a large wound on the upper lip below the nose. On the following day witness assisted Dr. McGrath in the carrying out of a post-mortem examination, and found that the cause of death was shock and haemorrhage and respiratory failure caused by strangulation and by a number of severe wounds and injuries to the head.

Justice—Could you form any opinion, when at first you saw the deceased, as to how long he was dead?

Witness—No.

Guard Thomas Sweeney, William Street, said that on the 18th June he went to the deceased's premises, where he found a brass-rail covered with the fine dust of flour. In the centre of the rail he also found a blood stain. Quite close to this stain he discovered a hand mark. Witness also found blood-stains on a corner of a blue window blind. Later in the day witness went to the cell in William Street with Guard Rafferty where accused was. Witness asked accused if he had any objection to taking a sample of dirt from under his finger-nails.

"NO OBJECTION"

The accused said he had no objection, and witness proceeded to take the samples from under the finger-nails of each hand. Witness put these into test tubes. Supt. Collieran then came in and witness left to procure some more test tubes. When witness returned, a conversation was in progress between the Superintendent and the accused. The Superintendent asked the accused where he got the blood and the accused answered: "I got it in Fahy's." The Superintendent then asked: "What Fahy's?" To this the accused replied: "The man that is dead." The Superintendent then asked: "How did you get the blood in Fahy's?" Accused answered: "I hit him with a bottle." While the Superintendent was writing, the accused said: "I'll make no statement." The Superintendent then read out what he had written, and the accused said: "That's right." After that witness asked the accused if he had any objection to his (witness) washing the blood off his (accused's) right index finger. Witness said "No," and after witness doing this he placed the water in a test tube. Witness observed that the right index finger was very tender, but did not observe any other cut or mark on the fingers. On the same day witness handed over to Sergt. Hanrahan the brass rail, window blind, and test tubes containing finger-nail dirt and the samples of water used to wash the fingers.

SUPERINTENDENT'S EVIDENCE

After having given evidence of the general condition of the shop of the deceased on the night of the alleged crime, Supt. P. Collieran said that on the following morning he saw accused asleep in the dayroom of the William Street Station. He had him removed to a cell and during the afternoon he visited him there. Guards Sweeney and Rafferty were there and witness examined the face, hands and neck of accused. He found no marks on the face or neck but, under the nail of the right index finger, discovered what he thought was blood. He told accused he was going to ask him questions about this and gave him the usual legal warning. "I asked him," witness said, "Where did you get the blood under the nail of your index finger?" He replied: "In Fahy's." I said: "What Fahy's?" He replied: "The man that's dead." I asked him: "How did you get the blood under your finger-nail in Fahy's," and he replied: "I hit him with a bottle." I then and there made a note of the conversation in my notebook and while I was writing it down the accused said: "I'll make no statement." When I had done I read it over aloud and accused replied: "That's right." I then got Garda Sweeney to wash the finger of accused and keep a sample of

CUPS AND MEDALS ASKEATON COURT

Presented At City Function

EMPLOYERS ENTERTAIN WORKERS

At the National Hotel recently a very pleasant and interesting function took place.

The Directors of Limerick Shoes Ltd. had 50 of their employees as guests at a victory celebration, held in connection with the annual Employees Seven-a-Side Gaelic Football and Camogie competitions. Mr. J. Crowe (Managing Director), Mr. L. O'Callaghan (Director) and Mr. T. Catling, Manager, were present to welcome the guests.

During the course of the function, Mr. Crowe presented the directors' excellent miniature cups and medals to the finalists and semi-finalists individually. Perpetual cups were also presented to the captains of both the Gaelic football and Camogie teams.

HAPPY OCCASION

Mr. Crowe, in a brief address, expressed his great pleasure at being present at such a happy function, and after congratulating the winners and runners-up on their great displays, particularly the Camogie team, he emphasised the fact that his employers were ever alive to the advancement of the social and cultural pursuits and expressed the hope that very soon they would acquire a suitable sports ground and club room for the benefit of the employees.

Mr. Liam O'Callaghan, speaking in Irish, also expressed his great pleasure at being present at the happy celebration, and said that he would certainly do his part as a director to further the interests of all employees in their social activities.

USEFUL CO-OPERATION

Mr. T. Catling, addressing the company, said that the fact of Mr. Crowe and Mr. O'Callaghan being present at the function was a real indication of the earnestness of their expressed opinions re the welfare of the employees in their social activities. Co-operation with management and the directors in their daily work would bring complete harmony between employer and employee, and would go a long way towards complete happiness both in their daily work and in their social lives.

GENEROUS DIRECTORS

Mr. Sean O'Rourke (Chairman of Employees Social Club) on behalf of the employees thanked the directors and manager for being present at the function that evening. He also thanked them for presenting such beautiful cups and medals for both competitions, and said that the employees in general should be well pleased at having such generous directors, who were ever ready to further the cause of their social advancement.

CAMOGIE SECTION

Mrs. K. O'Leary, on behalf of the Camogie Section, thanked the directors and management in like terms, and said she was proud of the camogie team, for their smart appearance, as well as their ability on the field of play.

Mr. Thomas Whitty (Chairman of the Limerick Camogie Board), who had been invited to the function, speaking in Irish, paid tribute to the Camogie teams for their smart displays, and expressed the opinion that the recent great revival of Camogie in the city could be attributed to the Camogie Committee of Limerick Shoes.

MUSIC AND SONGS

Music and songs were then the order of the remainder of the evening, and Mr. Mat. Sheehy enlivened the proceedings with his great rendering of music.

After a really great night the proceedings were brought to a close by the playing of the National Anthem.

CLARE COURTS FOR AUGUST

There will be only three District Courts held in Clare during the month of August, except a custody case arises, when a special Court will be held. The three Courts will be held in Ennis on the 1st and 22nd August, and in Kilrush on the 19th August, 1947.

the water.

At 9.30 p.m. on June 18th witness charged the accused with the murder of Thomas Fahy, and asked him, after caution, if he had anything to say in answer to his charge. Accused replied: "No, sir, I have nothing to say."

On examination of the accused's trousers, witness found one long rib of hair stuck in a clot of blood at the back of one of the knees.

Garda Rafferty, who was in the cell of accused with Garda Sweeney at 1 o'clock on the afternoon of June 18th last, corroborated the evidence of Garda Sweeney and of Supt. Collieran on what occurred in the water.

Arthur O'Sullivan, 45 Blessington Street, Dublin, an ex-Irish Guard man, said that on June 17th last he lived over the shop of Thomas Fahy with his wife and son. His son was working in the Tannery that night, and he and his wife left the house in the evening and returned from the pictures at 8.45. They entered the house by the hall-door, after having seen Mrs. Kidney and Mrs. O'Grady there. Witness and his wife went upstairs, and at about 9 o'clock witness went to O'Sullivan's in Thomas Street and had a drink. He returned to the house at 9.30 and entered by the hall door which he opened with his latch-key. On both occasions, the door from the hall to the shop was closed. The kitchen door and the door of deceased's bedroom also were closed. When he went upstairs he read for a while, then went into the bathroom and found the flow of water from the tap irregular. He believed that somebody was using the water in the shop or kitchen when he heard or saw nothing abnormal. After having gone to bed he heard knocking at the door and went down to open the hall door for the Guards.

Garda W. J. Quinlan, of Garda Headquarters, proved maps and measurements of the scene of the alleged crime, with particular reference to the ground floor plan of the premises of 39 Mungrat Street.

RETURNED FOR TRIAL

This concluded the State's case and the Justice, addressing the accused, after cautioning him, asked him if he wished to make a statement. Accused replied: "No, sir." The Justice then returned Kennedy for trial in custody, to the next sitting of the Central Criminal Court in Dublin.

ASKEATON COURT

Trouble Over Harrow

SUMMONSES DISMISSED

At Askeaton Court on Monday before District Justice C. S. Kenny, Patrick Bridge, farm labourer, Toondeely, summoned John Harte, former, same address, for alleged abusive and threatening language on 7th May last. There was a cross summons against plaintiff by defendant for alleged abusive language on 7th and 20th May.

Mr. M. E. Cussen, solicitor, appeared for plaintiff and defendant was represented by Mr. M. F. Noonan (Messrs. Liston & Co., Solrs.).

Plaintiff, in reply to Mr. Cussen, gave evidence to the effect that on 7th May last he was working in front of the house of his employer, Mr. Patrick McNamara. He noticed defendant coming down the passage with a horse and cart. Witness came round to see what defendant was doing and saw him put up in the cart a harrow which witness's employer had borrowed from Mr. Neville, a neighbouring farmer. Witness asked defendant what he was doing with the harrow and he said he was taking it away. Witness pointed out that they were not yet finished with the harrow and defendant replied that he was taking it as he was getting into trouble over it with Mr. Neville. When witness said that the harrow would not be taken, defendant jumped over the wall, caught witness by the shirt and, putting his fist in front of witness, said he would break his face.

"I told him," witness added, "that I would have him before Mr. Kenny (the Justice) and he said he didn't care. He then went away and used dirty language that I wouldn't like to repeat in Court." Witness denied that he abused defendant on either the 7th or 20th May. Defendant, in fact, abused him since the issue of the summonses.

"DIDN'T ACT THE BOSS"

Cross-examined by Mr. Noonan, plaintiff denied that he assumed the role of "boss" in his employer's place, but admitted that he took charge whenever Mr. McNamara was away. He was working for Mr. McNamara for about 30 years, but it was not true to say he didn't want anybody to come inside the gate. When his employer got the harrow, as Harte had been using it on loan at the time.

Mr. Noonan—It strikes me that you are a bit of a "rise." When Harte was taking away the harrow to I am not a "rise" and I didn't get into the gigs.

Mr. Cussen said that if the Justice wished he would call the sergeant to prove that plaintiff was a quiet, peaceful man.

Justice—There is no need, Mr. Cussen, I will assume that.

For the defence, Patrick Harte said he had previously borrowed the harrow from Neville and on the day before the alleged assault it was taken out of his garden without his knowledge. Later Neville asked witness to return the harrow and when he missed it from the garden he went to McNamara's place. When he was taking away the harrow, plaintiff told him to leave it. Plaintiff then abused him and he told plaintiff to "be of with himself." On 20th May, plaintiff again abused him and told him he had an awful check to take the harrow away.

Mr. Cussen—Did you jump over the fence and put him up against the wall and threaten him?—I don't remember, but I could have done it as I was a bit vexed.

Sergeant Flaherty, Askeaton, said both parties were respectable men.

SUMMONSES DISMISSED

Justice—Therefore I won't put any of them under a rule of bail, I admit that there was perhaps some language used on the occasion, but at the same time I don't think I would be justified, for that one incident, in putting either of them under a rule of bail. Before I could do that I would have to be satisfied on the evidence that something serious had taken place and that it was likely to recur again.

The Justice accordingly dismissed both the summonses and the cross-summons.

Guard McGough summoned Joseph Bridgeman, Toondeely, Askeaton, for keeping a pony and trap too far out from the kerbstone in Askeaton.

Complainant said defendant left the trap about four feet out from the kerb when going into a shop.

Answering Mr. M. E. Cussen, solicitor, defending, witness said he did not measure the distance, but was satisfied the trap was out from the kerb more than the distance allowed under the Road Traffic Act.

NO OBJECTION

On being informed by Inspector Byrnes that there was no objection by the Garda, the Justice granted a number of dance licences.

NO AGREEMENT

BRITISH DELEGATION IN MOSCOW

A message received this afternoon from London states that, following sharp differences, it is expected that the British Trade Delegation to Moscow will return almost immediately.

It is stated that the Russians are demanding from the British an exorbitant price for wheat and raw timber. Efforts to induce the Russians to reach the agreement on mutual trading lines having failed, it is gathered that the British Delegation will cut the negotiations short and return home.

APPOINTED P.P.

The Archbishop of Dublin has appointed Rev. Cornelius Skehan, C.C. at St. Mary's, Haddington Road, to be P.P. of the Holy Rosary Parish, Greystones. Father Skehan is a Limerick man, being a son of the late Cornelius Skehan, Clare Street, and brother of the late "Paddy" Skehan, whose widely lamented death occurred some months ago.

JEW SINK SHIP

Incident In Haifa Harbour

EXPLOSION IN HOLD

A vessel employed by the British for the carrying of legal Jewish immigrants to Palestine was sunk, following an explosion, in Haifa Harbour to-day.

The vessel—"Empire Life Guard"—had only just arrived in the harbour when the explosion took place. She had come from Cyprus with 400 legal Jewish immigrants, between 40 and 50 of whom were still on board at the time the explosion occurred. A huge hole was blown in the side of the vessel below the water line, causing her to sink. There were no casualties.

It is believed that the explosive material was placed in the hold of the vessel before she left Cyprus. The Hagarah, a section of the Jewish underground movement in Palestine, takes credit for the explosion.

Four British soldiers were injured near Haifa to-day when the lorry in which they were travelling was blown off the road by an explosive substance.

A FINE LECTURE

BUT RATHER SMALL ATTENDANCE

There was a surprisingly small attendance at the Mechanics Institute Hall last night, to greet Rev. Father Michael O'Flynn, R.D., S.M.A., and Mr. Joseph Odujio, who gave a lecture, entitled—"The Catholic Church in Nigeria," in aid of the African Missions.

Dressed in native garb, Mr. Odujio, who is head teacher in one of the Catholic schools in that part of Africa known as "The White Man's Grave" provided a most interesting topic for his attentive listeners. In a very pleasant way he dealt with the works of paganism in his own country, pointing out the various forms of worship which the native tribes indulge in.

His subject also dealt with the traditional ways and customs of the Africans, and he outlined the coming of the Irish Missionaries, and the conversion of pagans. It was in every way a most absorbing theme, and the coloured speaker was, at the conclusion, the recipient of congratulations on his enlightening discourse from members of the audience.

Despite his 24 years in "The White Man's Grave," Father O'Flynn, who sat beside Mr. Odujio on the stage, looked hale and hearty.

Mr. Odujio will be heard again to-night at 8 o'clock in the Catholic Literary Institute Hall, and it is to be hoped that the Catholics of Limerick will show appreciation of the great work that is being done in the African Mission fields, by the Irish Missionaries, by patronising the lecture.

SHANNON FISHERIES

EXTRACT FROM E.S.B. REPORT

The 20th annual report of the E.S.B., that for the year ended 31st March last, has just been issued. It contains the following references to the Shannon fisheries:—

The proceeds from the sale of fish etc. totalled £9280, as compared with £8518 in the previous year. The year's working resulted in a deficiency of £13,021, having charged interest and sinking fund amounting to £10,440 and providing £1,004 for depreciation. The deficiency in the previous year was £13,261.

The report states that the run of salmon continued to decrease, being 15 per cent. less than in the previous year, but there was an increase of 89 per cent. in the number of grilse and a heavy migration of smolts. Reports from the spawning beds have been favourable. The bulk of the fish was disposed of in the Dublin market and yielded £4,682. The weight of eels taken was 29,045 lbs. being more than double that in the previous year, but as the price has halved the proceeds from sales at £4,347 were no higher. The oyster fisheries were not operated during the year as supplies of seed oysters could not be obtained at economic prices. Experts who have been consulted having reported favourably on the matter, it is hoped to proceed with a scheme for breeding oysters next year.

WEST LIMERICK FACTORY SITE

Abbeyleafe (writes our correspondent there) appears to be coming into the scope of enquiries respecting the selection of a suitable site and area for the intended erection of a factory for the manufacture of by-products of milk. Being a dairying area, with several Creameries on the bounds of the parish, and with the Pease offering its assistance, as an essential factor in its requisites, there is some reason for assuming, from the enquiries of those interested in the project, that Abbeyleafe may now be amongst the districts under consideration for selection.

SHOP BROKEN INTO

The drapery and boot shop of Mr. John Byrne, Lord Edward St., Kilmallock, was broken into and a sum of £40 taken from the till (writes our Kilmallock correspondent). Entrance was gained from the back of the premises and exit was made by the front door of the shop, which was left open. A passing postman, who saw the door open, drew attention to the matter.

BIG PRICE FOR GREYHOUND

Mr. C. Crehyn's Garrigueona Border, which recently made a new track record at Cork, £1.40 for 550 yards, has been sold for £2,000. He was bred by Mrs. M. Bluet, Newpark, Charleville, and is by Ruby Border X Ballinliffet Rose. Darnigo, Ruby Lights, Garrigueona Lass and Elviale, all winners, are also of the same litter, and as this dam's first pups to race.

BRUFF COURT

Tillage Default Cases

INTERESTING WARRANTY ACTION

At Bruff Court, before Mr. H. L. Conner, D.J., David O'Keefe, Raheen, Holy Cross, Kilmallock, with a tillage quota of 24 statute acres, was prosecuted for not complying with the tillage order.

Inspector Killoyne stated that there was a deficit of 9 acres, but the defendant had exceeded the wheat quota by 21 perches.

Mr. J. J. Power, state solicitor for the prosecution, said he was instructed to apply for a heavy penalty.

A fine of £20 with 7/6 expenses was imposed.

Patrick and William Farrell, representatives of Mrs. Margaret Farrell, Ballinamona, Shearins Cross, Kilmallock, with a tillage quota of 4 statute acres and 12 acres cultivated, were fined £4 with 7/6 expenses.

WARRANTY ACTION

Denis Ryan, Emly, had a civil bill against Pauline A. Bennett, Milltown, Bruff, for £15 for breach of warranty in the sale of a cow, the property of the defendant and bought at an auction by the plaintiff.

Mr. J. J. Power, solr., appeared for plaintiff, and Mr. T. E. Bennett, solicitor (Messrs. Bennett & Walsh) for defendant.

Plaintiff stated that he bought a cow at an auction held by Mr. Madden, auctioneer, for £28. Mr. Madden gave the engagement "free and fair for the day" with the cows sold at the auction and said they could be drawn at the paddock. Plaintiff drew the cow and found that she was wrong. He took her home and when she calved 19 days later she had milk only in three teats. He wrote to the auctioneer next day and got a reply that the cow was engaged free and fair for the day without warranty after. He wrote to the defendant and got a reply expressing sorrow and that she would send her head man to the auctioneer.

By Mr. Bennett—He heard the conditions of the sale read out to the auction by Mr. Madden. If she was free and fair for the day she should be after calving. He paid for the cow on the warranty that he thought existed.

Mr. J. Condon, V.S., gave evidence of examining the cow on the 24th March when he found an obstruction in the teat. The causes of the obstruction vary and it was becoming very prevalent in this county. He did not think it was from bad milking.

TOOK SOME TIME TO DEVELOP

To the Justice—It generally took some time to develop. He was of the opinion that it was there on the date of purchase.

By Mr. Bennett—It would not be apparent to a lay person. The only warranty that he was aware of was "free and fair." Mr. Madden, auctioneer, stated that his engagement was "free and fair" and if a fault was found leave the cow in the paddock. He sold nineteen cows with that engagement. He saw Mr. Ryan bidding and sold him the cow for which he would have from three to six o'clock to pay.

To Mr. Power—He did not know that a vet. had said that in his opinion the cow was not free and fair on the day of purchase, and if she was not up to engagement he need not have kept her.

The Justice said he was entirely in favour of the plaintiff as the warranty was completely wrong as it was "free and fair" on the day of sale, and she was not. Mr. Power said that as a result of this obstruction the cow was short a quarter of her milk and that would be about 47 lbs. and he accordingly gave a decree for that amount with three guineas expenses.

ACTION DISMISSED

In the adjourned case in which Bridget Bourke, Mohawn, Herbertstown, claimed £5 against Jeremiah Quill, Church Street, Kilarvan, County Kerry, Mr. T. M. Mitchell, solicitor for the defence, said that the case had been adjourned for the production by him of decisions given in similar cases, his argument being that Mr. Quill was not the proper person to sue.

Mr. Mitchell, having referred to the said decisions, Mr. Walsh contended that the ordinary meaning of herding was to keep cattle off other lands.

ORDER FOR

Edmond M. Campbell, sought possession of Ballyhughish, Hoshingaun, from the defendant. The Justice granted possession, without ordering the defendant to pay costs.

Mr. L. Walsh, for the complainant and Mr. J. J. Conner, for the defendant, were present.

AUCTIONEER

John J. Walsh, of Knocknagong, applied for qualification of auctioneer's licence. Auctioneers and Act, 1947.

The Justice granted the qualification on behalf of the defendant, but that there was no objection.

GAVE WRO

Hannah Burke wro Guard Moore, Kn having a light on lighting up time. his Worship that who did not appear the name of Teres accented her.

A fine of 10/- Justice remarking help her to give a future.

FOREIGN

DROMCO

Mr. Joseph O'Headmaster of St. Schools at Eblute most interesting lecture at the Dromcollogher, du end (writes our D respondent).

The distinguished detailed account progress of the ariana and the cust the natives.

FIRKIN BUTTER

The price of firkin butter in the Ennis weekly market still continues to increase. This week it realised £10 5s. per firkin, which contains 72 lbs.

DEATH

O'BRIEN—July 23rd, at his residence, 4 Mitchell Street, Limerick, East Kerry, and North Cork turbary areas (writes our Abbeyleafe correspondent) most of the season's first cuttings and savings are continuously passing day and night, to various parts of Limerick, up to the borders of Tipperary. With a change for the better in the weather the second cutting and saving of the crop will soon be ready for distribution. In the Brosna and Knocknagong districts, more turf appears to have been turned out than in last season, and much of it is of excellent quality.

DEATH

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