

Messrs. Walsh and Sons, auctioneers, on the premises of the defendant at Coolalough, Hospital, whereby defendant engaged the said cow to be in calf, but she was not, in fact, in calf.

BOTH WELL-KNOWN FARMERS

Mr. L. Walsh, solr., for the plaintiff, said that the plaintiff and defendant were both well-known and respectable farmers. Defendant had a clearance sale at his premises at Collalough, Hospital, about the 3rd January. The plaintiff attended the auction, which was one of dairy cows. He purchased 6 or 7 cows and in respect of the cow in question in the action, the engagement was that the cow was to be clear calved on 10th or 12th May. From January up to May or the end of April, the plaintiff kept and fed this dairy cow but it transpired that she was not, in fact, in calf at all. The claim was for £25 damages as a result of that.

Plaintiff, in evidence, bore out his solicitor's statement and said he bought the cow for £26 and auction fees. The cow was not in calf as warranted and came in season at the end of April, when he notified the auctioneers. The cow was in calf to a Poll Angus bull and the calf would be value for £10 or £12 and it cost him £15 to £18 to keep the cow. He sold the cow about 7 or 8 weeks ago for £31.

To Mr. T. M. Mitchell, solr., for defendant, witness said that the cow was not the cheapest cow sold on that day. He obtained the best price he could for her when he sold her.

Mr. Mitchell—Was there not a phenomenal increase in the price of cattle between the 3rd January and April this year?

Witness—Not in all cows.

Mr. John Walsh, auctioneer, in evidence, said that all cows sold were warranted to be clear calved the 10th May.

WARRANTY NOT DENIED

Mr. Mitchell, for defendant, said that the warranty was not denied, but defendant says that the plaintiff suffered no damages.

Defendant, in evidence, said that he sold his farm at Hospital and bought one at Naas, Co. Kildare, and had a clearance sale of cows before he left Hospital. He knew nothing about the cow not being in calf until he had a note from Mr. Walsh on the 14th May that she was not up to engagement. If he were notified in April that the cow was not in calf, he would have taken her back and sold her as the value of cows had risen from January to April and he would have got about £45 for her. Cows and dry cattle, however, came down from the 1st May on. He thought the plaintiff should have known before the end of April that the cow was not in calf and have notified him.

A STRONG POINT

The Justice said that a strong point against the warranty was the delay in notifying the defendant. However, he would have to decide for the plaintiff and as he

connection with Mr. O'Connor's death and was now in custody. Garda inquiries into the case were not yet completed.

MAN CHARGED.

Walter Farrell, 27, year-old labourer, of Hopkin's Row, Clonmel, was charged on Saturday with feloniously murdering Joseph O'Connor and was remanded in custody. He is now in Limerick jail and will appear in Clonmel Court to-morrow.

ALL-IRELAND WIN



Eighteen year-old Tom McGarry, Thomondgate, a member of the St. Munchin's Club, added another title to his string of handball successes when winning the All-Ireland Minor Soft Ball Singles Championship at Croke Park Ballcourt, Dublin, yesterday.

He disposed of his opponent, J. Coughlan (Offaly) in summary fashion. The score in his favour was: 21-4, 21-7.

He has already distinguished himself in doubles championships and is Munster minor singles champion.

Another All-Ireland title may come Limerick's way on Sunday next when he partners M. Mullins in the doubles championship.

An eye-witness of the match yesterday said that McGarry gave a splendid display and dominated the play throughout.

The champion has gone through the championship without losing a single game.

The game was put back a quarter-of-an-hour to await the arrival of a specially chartered bus from Birr, carrying supporters and admirers of Joe Coughlan, who would not hear of defeat.

This is the second All-Ireland championship to come to Limerick this year.

SELECTED FOR COUNTY COUNCIL VACANCY

Doon, was prosecuted for having an unlicensed wireless set in his possession on the 23rd March last.

An officer from the Limerick G.P.O. said that on the 23rd March he found the defendant in possession of an unlicensed wireless apparatus. The licence was taken out on the 8th June.

Justice—Then he had it for two months without a licence.

HAD IT ON TRIAL

Defendant—I only got the radi on trial and it went wrong on the second day after getting it. I wrote to the man and he took it away and I never got it back until the 7th June.

The Inspector said that there was a wireless set in the premise when he called but he had no knowledge that it was taken away afterwards until the 7th June.

The defendant replied that the set was not working, to which the Justice said: You cannot take a set on trial without a licence.

The Justice imposed a fine of 10/- with 8/- costs and made the usual statutory order for confiscation of the set, which he said can be confiscated but probably may not be.

SON WAS THE OWNER

John Collins, Pallasbeg, Cappamore, was similarly prosecuted in respect of the 22nd March.

The G.P.O. Inspector said he found the defendant in possession of an unlicensed set on the 22nd March. A licence was taken out the following day.

The defendant said it was his son who had the set. "I have nothing at all to do with it," he added.

The Inspector intervened to see that the set was fairly new.

Asked by Mr. Power where his son lived, the defendant replied: "He lives with me and he had the set only a few months."

Justice—The set would probably be there still without a licence but for the Inspector calling. Of course, the defendant is liable to cause it was found in his house.

A fine of 10/- was imposed with 8/- costs.

PROBATION ACT APPLIED.

Patrick Ryan, Hollypark, Eboia, Cappamore, was also prosecuted for having an unlicensed set in his possession on the 22nd March.

The Inspector proved that the set was not licensed when it was called on the 22nd March. The licence was taken out two days later.

The defendant said: "It happened on a Sunday and you could not take out a licence on a Sunday. The set was bought the day before."

Smilingly, Mr. Power said that such a thing was bound to happen sooner or later.

The Justice agreed and said that people usually told him that stories but the defendant was one who was telling him the truth. It would have been, however, a very good thing if he had taken out a licence on Saturday.

The Inspector said it was a rare set.

Finding the charge proved, dismissing it under the Probation Act, the Justice commented: "I hope that the music had charmed to suit the people up in H.C."