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**E. RYAN & Co. Ltd.,** MANUFACTURERS,  
 CORK. (ad)

**LIMERICK WILL SUIT**

**Important Probate Case**

**UNDUE INFLUENCE ALLEGED**

**ACTION IN THE KING'S BENCH**

**INTERESTING EVIDENCE**

On Friday, in the the King's Bench Division, Dublin, before Mr Justice Gibson and a city common jury, the probate suit of Doherty and another against O'Rourke came on for hearing. The plaintiffs were John Doherty, Killinane, Co Limerick, shopkeeper and District Councillor, and Michael Ryan, Laurencetown, Killinane, farmer and District Councillor, and they sought, as executors, to establish the will of Patrick Mortell, late of Killinane, retired shopkeeper, who died on the 19th November, 1913. The defendant was Mrs Winnifred O'Rourke, Bohernagore, Kilmallock, Co Limerick, and she had entered a caveat against the will, which was dated 12th November, 1913. The defendant alleged that the will was not properly executed by Patrick Mortell in accordance with the Statute, that deceased was not of sound mind, memory and understanding at the time the will purported to have been executed, and that its execution was obtained by undue influence of Hannah Burke and Kate M'Auliffe, legatees named therein, and others acting with them, viz., Thomas Casey, carpenter, Barrack-street, Killinane; Thomas Hanrahan, Killinane, and Michael O'Keefe, victualler, of the same place, the last named of whom drew the document and the former being witnesses. Mr. P. Lynch, K.C., and Mr. Phelps (instructed by Mr. J. J. Power), represented the plaintiffs; and Serjeant M'Sweeney and Mr. Comyn (instructed by Mr. Roger Fox) appeared for the defendant.

Mr. Lynch, K.C., said the testator was a man over 80 years of age, and had always enjoyed good health. On the 7th or 8th of November last he attended a funeral, and contracted a cold, the result of which was that he never recovered. A few days after he took ill Dr. Lee was called in to attend him, and the doctor, who advised him to settle his affairs, took a note in which the old man left £20 for Masses, £20 to Miss M'Auliffe (with whom he lodged), £15 for a headstone, and "the balance to my wife's niece, Mrs. Hannah Burke." Mr. Power, solicitor, Kilmallock, was sent for, but the old man would not make a will. A day or two after, however, at the request of the deceased, a man who lived in the village, a Mr. Michael O'Keefe, victualler, was sent for, and made the will which was being disputed. A few years before the death of Mr. Mortell's wife the latter inherited a sum of about £700 from a relative in America, which they enjoyed during their joint lives. When the wife died on the 9th July, 1913, a sum of about £500 came to Mr. Mortell. The deceased always intended that this money, which had come to him through his wife's people, should go to Mrs. Burke, as the blood relation of his wife's people, and in whose house she had died.

Mr. Justice Gibson—How much money did he leave?

Mr. Lynch said about £470, £320 of which was on deposit receipt in the bank, and £150 in another. Counsel mentioned that the next-of-kin to deceased were cousins once and twice removed.

Dr William P Lee, Medical Officer of Health, Killinane, and who has been practising in the district for over 26 years, stated that the testator was over 80 years; witness had known him for many years; he was a stout man, about 5 feet 8 inches, very strongly built, good physique, and of good mental capacity; he used to walk for miles up to the time of his last illness; witness went on to detail how he attended the testator, who was suffering from influenza following on a cold; Mortell was lodging with a family named M'Auliffe who

**LIMERICK INDUSTRIAL ASSOCIATION**

**PAVING AND ASPHALTING SCHEME**

The Committee of the Limerick Industrial Association at their last meeting had under consideration, amongst other things, the question of the large contract which is likely to come off for the block-paving and asphaltting of the streets of Limerick. The members of the Association are anxious that as large a portion of the contract as possible should be placed for Irish materials, and with that object in view they have been in correspondence with Irish quarry owners in various parts of the country with a view of ascertaining what are their facilities for undertaking to supply promptly the large quantities of setts which would be required if any number of the streets of Limerick are to be paved with setts. As there is strong favour in some quarters that asphalt be used instead of setts to as great an extent as possible, owing to it making a practically noiseless street surface, the Limerick Industrial Association has also looked carefully into the question of how far can Irish industries be availed of in case asphalt is to any considerable extent decided on. The actual asphalt itself must of necessity be imported from abroad, but the Industrial Association has succeeded in getting in touch with an Irish Company in Cork who make a speciality of carrying out asphalt contracts. They have trained up local men to do the work, with the result that in some of the jobs on streets in the city of Cork 80 per cent was local production. If, as a result of the activities of the Industrial Association, the streets of Limerick are asphalted with such a percentage of Irish material the result cannot be but satisfactory to all interested in the protecting of Irish industries.—COMMUNICATED.

**Death of Mrs O'Driscoll, Abbeyfeale**

The funeral of Mrs J O'Driscoll took place at Abbeyfeale on Friday, writes our Abbeyfeale correspondent. Mrs O'Driscoll was mother-in-law of the late Mr John Coffey, Local Government Board Inspector, who met such a tragic death in Dublin a few weeks ago.

**M'Namara's Malt**

41, PATRICK-STREET. J. J. & S. kept in Stock.

The Home Rule Fund had reached the splendid total of £24,291 3s 8d on Friday last.

A Carrickfergus butcher, a few days ago, found in the stomach of a cow, which he had killed, a gold seal with a bloodstone bearing the initials "F.G.M."

"mark;" witness had never seen the memorandum made by Dr. Lee.

After further evidence, Serjeant M'Sweeney, for the defendant, said that Mrs. Burke was a person in which this old man stood in a great deal of fear, physical and moral cowardice, and he would give evidence of undue influence. He contended that this was not this man's will at all. Mortell lived up to March with his wife, who began to be bedridden. Mrs. Burke, the prosperous publican of the town of Killinane, who took her to live in her house, having grabbed the wife's money, then wanted the old man's money, and to take it away from the relatives of the deceased. Old Mortell would not sleep in Nagle's without keeping a hayfork in his bed to protect him from people who were going to attack him. To suggest that he wanted to make Mrs. Burke the object of his beneficence was the most ridiculous suggestion ever made. Counsel impressed upon the jury the exact resemblance of the will

**Bruff Petty Sessions**

**Assault on a Boy**

**Woman Charged and Fined**

**FARMER AND SERVANT**

**INTERESTING CASES**

**(FROM OUR CORRESPONDENT.)**

Mr. J. E. St. George, R.M., was the only magistrate to attend Bruff Petty Sessions.

Replying to an inquiry from Mr. St. George, Mr. R. Fox, solicitor, Kilmallock, said he was in a licensing case and also had an application to make for an interim transfer of licence.

Mr. St. George said he could not deal with them without a second magistrate.

Mrs. Ellen Jordan was charged with assaulting a little boy named Maurice Riordan with a bottle.

Mr. Fox, solicitor, appeared for the complainant—who proceeded by his father—and examined the boy, who stated that he is 11 years of age, and was employed by Mrs. Wallace, Gormanstown, whose place is about half a mile from that of defendant's; he had a difference with Mrs. Jordan's son about 10th April, but did not see her on that date; she, however, came to the house on Saturday night, and he went aside in the hayrick; when she was going down the boreen he heard her say that she would give 12 months in gaol for him if she caught him; on the following Monday (13th), when going to the creamery, he met Mrs Jordan and Molly Fitzgerald on a car.

Mr. Fox—Tell what she (defendant) said, and did?

Witness—She came off the car; I was on my own car; she raised a bottle and hit me on the head, and said, what meaning had I in striking her son.

Mr. St. George—Did she break the bottle on your head? She did sir.

Did she cut your head?—She did sir.

Through the cap? I had a bag and cap on my head and she pulled them off.

Before she hit you? Yes sir.

Mr. Fox—What sort of bottle was it? A white bottle; I was bleeding; she hit me in the face with her hand before she hit me with the bottle.

Did you see William O'Brien come up? He was below on the road but he did not come up.

Mr. St. George—How far away was he when it happened? About 10 yards.

Could he see what happened? He could, sir.

Mr. Fox—Did you go towards Mr. O'Brien's? I did, and he saw the cut and the blood coming from my head, and he picked a bit of glass out of my head.

What did you do next? I came up to Mrs. Wallace—Mr. O'Brien told me not to go to the creamery—and showed my head to her, and her son Jimmy drove me to Dr. Clery, Kilmallock; I also came to the police in Bruff and showed myself there, and also to my mother.

Mr. St. George—What did the doctor do to you? He dressed the cut.

Defendant—Did I throw the cap off you? You did.

Defendant—He had no cap; he had only a bag on his head. (To witness)—Did I fall off the car?—You did.

Defendant—And the bottle got spilt, and I asked what names were you using to my son.

Answering Mr. St. George, witness said defendant did not break the bottle on the road.

Defendant—I fell on the road; the bottle was in my hand and it got spilt. He went to Kilmallock on Monday and came to Mrs. Wallace on Tuesday, and if he were marked or injured would he be there since?

Mr. St. George—We will see, you don't look like a woman that would do it.

Defendant complained of an observation she said the boy had made to her son.

Witness replying to Mr. Fox said the woman did not break the bottle on the road.

Where did she break it? On my head.

William O'Brien, a farmer residing at Ballincolloo, said the occurrence was over when he came out and he did not see any strokes.

Mr St George—What condition was the boy in? I saw blood on his face and down his