

# Manslaughter Charge

## Case at Limerick Court

### Judge's Severe Comments

#### A Verdict of Guilty

The hearing of county criminal indictments at Limerick Criminal Circuit Court was concluded by Judge E. J. McElligott, *et c.*, on Monday.

Harry McNamara, New Road, Bingsod, was charged with the manslaughter of Mrs. Alice Bruce, Beegal Terrace, Limerick, by striking her with a motor lorry at Black-bay Pike, Limerick, on June 4th.

Mr. M. Bineby, *et c.*, and Mr. T. O'Donovan, *et c.*, (instructed by Mr. J. J. Power, State Solicitor), prosecuted. Mr. O. Moriarty, *et c.*, (instructed by Mr. D. J. O'Malley, *et c.*), defended.

Guard W. Quinlan gave evidence of making a map of the accident, which occurred in Mulgrave street.

Dr. J. Byrnes stated that Mrs. Bruce was admitted to the County Infirmary on June 4th, and she was dead at the time.

Mrs. A. Kirby stated she was with Mrs. Bruce on June 4th. They were walking along the footpath at Mulgrave street going towards the city. Mrs. Bruce was on the outside, and when they came near the Mental Hospital gates a lorry came from the direction of Limerick. It went diagonally across the road, mounted the footpath and struck Mrs. Bruce. The lorry continued along the footpath for some distance.

Michael O'Hagan stated when walking along Mulgrave street he heard a scream. He saw a lorry on the footpath, and when it passed he saw the woman lying on the ground very badly injured.

Thomas Ryan, gatekeeper of the Mental Hospital, stated he was standing at the gate on the day mentioned. The lorry, which was on its proper side, ran into a hollow on the road. The vehicle got out of control, it ran across to the other side. The driver was doing his best to control the vehicle. It first struck the hospital wall and when witness ran out he saw a woman's body on the path. The woman appeared to be dead. The lorry continued about 100 yards up the road and then stopped.

In reply to the Judge, witness said he had not seen a car before getting into difficulties at the hollow.

James Barry, storekeeper at the Mental Hospital, and Pat O'Flanagan, clerk, *et c.*, also gave evidence, and said the lorry appeared to be going at a fast rate of speed.

Guard M. Bovery said he examined tyre marks at the scene of the accident which showed that the lorry, after mounting the footpath, passed between the electric light standard and the Mental Hospital wall.

Guard Connolly, Traffic Inspector, said he examined the lorry after the accident. The front brake was defective and had no effect on the two front wheels and the brake rods were bent. The handbrake was also defective and did not prevent the left rear wheel from revolving. The tyres were worn, but there was one new tyre at the rear. One of the tyres was 80 per cent worn and one of the twin tyres at the back was completely worn and punctured. The lorry was in poor condition—it could be described as a dangerous vehicle.

In reply to Mr. Moriarty, witness said the steering was the best part of the vehicle.

The accused said he bought a motor lorry in August, 1937, in order to carry on his business as a maker of concrete blocks; the lorry was laid up for some time subsequently, but he taxed it on May 12th, 1938; before taking the car he got a mechanic to test it and a man named Latchford was employed to drive it; Latchford ought witness to drive the vehicle; on June 4th witness drove the lorry through the city and found the brakes and steering to be in order; in the afternoon he went driving up Mulgrave street; he was driving slowly and saw a private car in front; he pulled out to pass the car and as he did so the lorry struck a bump; the steering was taken out of his hand and then he lost his head.

Judge—You lost your head!

Accused—Yes, and I don't know what happened after.

Mr. Bineby—When did you lose your head?

Accused—When the steering went.

In reply to further questions, accused said the steering was in proper order until the lorry struck the bump. He did everything possible to keep the vehicle on the road, but did not think he used the brake. He paid £20 for the lorry in August, 1937. He bought the lorry from the Limerick Motor Works and received a certificate that the vehicle was in fairly good condition.

Mr. P. F. Quinlan, managing director, Limerick Motor Works, stated he sold the lorry in question to the accused. He signed the certificate (produced) on the information of his mechanics.

Judge—Can you advance any reasonable explanation for this appalling tragedy?

Witness—No, my lord.

The witness added that the lorry was a 24 h.p. 1931 car and he had known such vehicles to be ten or twelve years old with care. The lorry was in first class order when it left the works, but required extra care owing to the nature of the work it was doing.

Thomas Daly, in reply to the Judge, said the lorry could have been pulled up much quicker after the accident if the accused had not lost his head.

Judge—Do you think a man has any business driving a vehicle if he is likely to lose his head?

Witness—I do not think so.

Patrick Latchford stated he drove the lorry regularly and found no fault with it. The brakes and steering appeared to be perfectly in order on the morning of the accident, when witness drove it to Killonan. This concluded the evidence.

Addressing the jury, his Lordship said he would ask them to bear in mind that it was a charge of manslaughter and not of murder. Manslaughter meant the taking of human life without just cause or excuse.