

Lorry Fatality

Sequel at Circuit Court

Damages Awarded

At Limerick Circuit Court, before Judge McKelligott, K O,

Nora Byrne, Kilduff, Abane, brought an application for the apportionment of money awarded in respect of the death of her husband, Patrick Byrne, Lisnagry, who was killed in a lorry accident while in the employment of Mr Minihan last June. Mrs Kate Byrne, mother of the deceased, was also a respondent.

Mr T K Liston, B E, for the applicant; Mr J McMahon, B L, for John Minihan; Mr G Kenny, B L, for Mrs Kate Byrne.

Mr Liston said the case was rather a peculiar one. The deceased was killed when a lorry which he was driving for Minihan crashed into a wall. He had a wife and four children, two of whom were earning and were not applicants. The other children—Michael aged 12, and Catherine aged 10—were at school. Deceased man was married 22 years ago, and since then had not lived with his wife, except at infrequent intervals. If there was total dependence the amount to be apportioned would be £600, but in this case it was agreed that the adult lump sum be £252 and the children's portion £162. Deceased man lived with his mother, who was a respondent.

Mrs Nora Byrne, wife of deceased, said her husband never lived with her since they were married—he lived with his mother in Lisnagry. He used to give witness sums of money now and then when he had it. The year before his death he gave her about one pound.

Mr Kenny—From the beginning you were unhappily married?

Witness—It was his mother's fault.

For respondents, Mrs Kate Byrne said her son always lived with her; he earned 30s per week for the past five years, and of that contributed 25s towards his support.

Mr Kenny said that Mrs Nora Byrne never enforced her right to maintenance.

The Judge awarded £35 to Mrs Nora Byrne and £165 to Mrs Kate Byrne. With regard to the children, he said they had a legal right to be supported by the deceased man, though it was not enforced. He would, therefore, apportion the £162 between the two dependent children.