

MISSING TOOLS

Fitter's Claim Against Landlord

Interesting Evidence

At Limerick Circuit Court
Patrick Hassett, 8 Clare View Terrace, Thomondgate, brought an action against Thomas Aherne, 2 Shelbourne Terrace, claiming £137 17s. 9d in respect of damage to tools.

Mr. J. McMahon, B.L. (instructed by Mr. J. S. McNeice, solr.), appeared for the plaintiff.

Mr. M. Danaher, B.L. (instructed by Mr. E. A. Ryan, solr.), appeared for the defendant.

Mr. McMahon said the plaintiff in the case was a fitter, who carried on business in Erson's lane, off Catherine Street. In November, 1937, he met with an accident and was as a result out of work until February, 1938. His landlord brought an action for possession against him in February, 1938, and the Circuit Judge gave a decree for possession, with a stay for three months. He came out of hospital on February 19th, and he found that all his tools had been gathered up and piled into a heap in one corner. These included a large quantity of steel spindles. He went back again on April 29th but found the door locked. Later, the plaintiff visited the defendant's house in Thomondgate, and recovered a quantity of tools, but there was a long list of articles which were still missing. In the plaintiff's claim there was £43 17s. 9d. for the loss of tools, and £60 for the loss of business by reason of the plaintiff being deprived of the tools.

PLAINTIFF'S CASE.

The plaintiff said he came out of hospital in February, and visited his workshop on April 26th. He found all his tools and equipment heaped up on the floor, including 16 cwt. of steel spindles, which were destroyed, because the polished surface was marked. A number of tools were missing. He went to the defendant's house on the 13th June last and found some of the tools, including the spindles, which had deteriorated on account of being allowed to rust. He saw a safe full of tools belonging to him, which he took possession of. The defendant was not present at the time. Altogether he recovered tools to the value of £15, but about £43 worth of tools were missing.

Mr. Danaher—Did you get letters from the defendant to remove your goods when you were ejected from these premises?—Yes.

When did you get the letters?—In May.

I suggest you got letters before that?—No, sir.

Judge—Why did you not remove these tools?—I had not any place to put them.

THE REAL ANSWER.

Judge—That's the real answer. Very well. It's your own look out.

Guard D. Buckley said that on April 26th the plaintiff reported that his tools had been taken from his workshop. He accompanied Hassett to the shop, and saw a heap of steel and irons on the floor. He could not say if there were tools there.

James Collins, car driver, said he went with the plaintiff to Aherne's house last June, and found the tools out in the back yard. Some of them were rusty.

Mr. Danaher said his case was that there was no liability on the defendant at all, after the notice to take the tools away.

Thos. Aherne said he got a decree for possession on February 2nd, while the plaintiff was in hospital. He had a key for the workshop, but he did not remove any of the articles that the plaintiff claimed, except some which he re-brought to his own house for safety. He made no use of the tools. A man named O'Neill was employed by Mrs. Hassett to remove the tools to witness's house. They included a safe, containing a quantity of small tools, an electric motor, and spindles. He cleared everything that was in his own place to his own yard. The electric motor was in a shed, but he could not be sure about the other articles. It would not damage steel spindles to pile them up in a heap.

Christopher O'Neill, hackney driver, said he was asked by the wife of the plaintiff to put away the tools safely in the safe.

The Judge said he could not see how in law it was possible for the plaintiff to succeed. When a decree was given by the Circuit Judge against the defendant, the plaintiff could have put the tools outside the door, and left them there. Instead of that, the defendant, very generously, and foolishly hired a car to have the tools transported to his

COUNTY COUNCIL SUED

Sequel to Road Widening

Horse Injured

At Limerick Circuit Court
Mary Fitzgerald, Loughill, suing by Matthew Graham, brought an action against the Limerick County Council, claiming £150 damages for negligence, with regard to a wire fence, and an injunction.

Mr. M. Danaher, B.L. (instructed by Mr. T. O'B. Kelly), stated that the Limerick County Council decided to straighten the road running by the plaintiff's land. They removed the paling at portion of the land, and substituted a wire paling, as a result a mare belonging to the plaintiff was injured, and the fence is not sufficient to keep the cattle in the field.

Timothy Flynn said he was steward of the plaintiff. The old fence was in good condition and was sufficient to keep cattle from straying on to the road. When the County Council substituted the wire fence they had never finished making up the fence. A mare plunged over the fence and was injured. She had to be treated by a Veterinary Surgeon. Since then he had not been able to put horses or young cows in the field.

THE DEFENCE.

Replying to Mr. Wm. Binchy, B.L. (instructed by Mr. R. O'Sullivan, solr.), Mr. John O'Leary, Assist. Co. Surveyor, said he was in charge of the erection of the fence in question in November, 1935. The land was bought in order to straighten a bend on the road. This necessitated the removal of the old boundary fence, and replacing it with a new one. When new fence was being erected there was no question of horses or cattle being put in the field. He thought the field was being used for tillage only, in which case the fencing was adequate.

The Judge said it was admitted the fence was not sufficient to keep horses and cattle in the field, and, therefore, it was not properly fenced. He would give £14 damages, and £8 for the erection of a new fence, with 10 guineas expenses.

FIANNA FAIL

Ballysimon Cumann and New Cottages

Mr. D. Hennessy, Co.C., presided at a meeting of Ballysimon Cumann of Fianna Fail. A long discussion took place regarding delay in erection of new cottages, and several members expressed themselves strongly on the matter. It was pointed out that, while the Government blamed the Board of Health, and the latter, in turn, blamed the Government, it was impossible to discover the real cause of the hold up, and the refusal to accept the sites offered voluntarily in Limerick No. 1 Rural District.

It was agreed to communicate with the Board of Health on the matter, and send the following resolution to the Minister for Local Government:—"That we respectfully request the Minister for Local Government to inform us as to the cause of the delay in proceeding with the erection of new cottages in the county. This scheme is now in hands almost two years, and we now request that your Department issue instructions to hand over the plots to the selected tenants in time for spring tillage."

FIANNA FAIL BRANCHES AND TREASON BILL.

At a special meeting of the Glenties (West Donegal) Comhairle Ceannair, held at Glenties on Sunday, Mr. D. Phelan (chairman) presiding, it was decided to send a telegram of protest to An Taoiseach against the introduction of the Treason and Offences Against the State Bills, and requesting that a meeting of the Comhairle Ceannair be held to consider further action.

Ardragh, Killashee, and Drumina-omach Fianna Fail Cumann also passed resolutions protesting against the introduction of the Bills.

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LATE MRS N DOWNES

The Funeral

The funeral of the late Mrs. Nora Downes, Catherine Street, Limerick, took place to Mount St. Lawrence Cemetery on Saturday, following Requiem Mass at St. Michael's Church.

The deceased lady was wife of Mr. Patrick Downes, and was a member of a highly esteemed and respected Limerick family. She was of a quiet and retiring disposition, and her kindly nature secured for her a host of warm friends in the city and county. She was an exemplary wife and mother, and sincere sympathy is extended to her family in their great bereavement.

The chief mourners were—Patrick Downes (husband), John J., Frank, Patrick and George Downes (sons); Mrs. Daly, Mrs. Woods, and Mrs. Miller (daughters); Mrs. Callanan (sister), Carmel Downes, Desmond Downes, Patrick Downes, Cyril Downes, Gordon Wood, Billy Miller (grandchildren); Michael Daly, J. M. Wood, Wm. R. Miller (sons-in-law); Mrs. J. J. Downes, Mrs. F. Downes, Mrs. P. Downes (daughters-in-law); Frank Downes (brother-in-law), Mrs. Edward Moroney, Miss Claire O'Brien, Timothy Downes, John Cunningham, Mrs. M. K. Morrissey, Miss M. McGowan, Gordon Hassett, Mr. and Mrs. M. Moroney, Mrs. Curtin, Mrs. O'Halloran, Wm. Cunningham, Miss Peggy Moroney (relatives).

The clergy present were—Rev. Father Carroll, Adm.; Rev. Dr. Cowper, C.C.; Rev. Father O'Sullivan, C.C.; Rev. Father Halpin, C.C.; Rev. Father Moriarty, C.C.; Rev. Father White, C.C.; Rev. Father Shawke, C.C.; Rev. Father G. Farrell.

Among the general public were—The Mayor (Ald. D. Bourke, T.D.), and J. Reidy, T.D.; A. Blood Smyth, J. O'Malley, B.C.; P. G. Collins, Joseph Collins, J. S. McNeice, M. C. Bourke, A. M. Killeen, James J. Sexton, John D. Ryan, solicitors; Professor Nicholas Philipps, Miltown-Malbay; J. O'Kelly Lynch, Manager, M. & L. Bank; M. Davey, Manager, Provincial Bank, William Street; E. L. Wickham, Auctioneer; W. L. Ryan, C.E.; Joseph F. MacNeice, B.A., I.B.; John Carew, Michael Sheehan, John Corboy, Thomas Gough, James O'Byrne, John Hogan, J. Ryan, Mr. Bailey, S. Cantwell, National Bank; T. Brennan, Patrick Woods, James MacNeice, J. J. Mulqueen, Stephen Purcell, Thomas Purcell, Stephen Horgan, James Brillee, Daniel Fitzsimons, Cornelius Mangan, Matthew Fennessy, Michael Moloney, Patrick Sadlier, John Lanigan, Marcus McDonnell, R. W. Brew, John Quirke, Harry Nestor, Peter Galbraith, David Miller, T. J. Moody, W. Stockil, J. Falls, D. Meehan, J. D. Dunne, T. Goodwin C. Davis, T. R. Mitchell, J. O'Connor, stockbroker; P. O'Dwyer, M. O'Brien, J. Casey, J. O'Dwyer, J. Kelly, P. Walsh, P. Lynch, J. Clarke, P. Graham, P. Madden, G. Ellis, J. and D. Hayes, Sergeant F. Kirwan, Sergeant Hanrahan, Frank Horan, Michael McMahon, T. Dante, Mr. Keyes, J. McNamara, J. Begge, C. Downey, R. Brazill, G. Sexton, T. Rea, E. Daly, T. Daly, L. O'Neill, M. Shanahan, M. Clancy, Liam Forde, Patrick Hartigan, James Hartigan (senr.), James Hartigan (junr.), Partick Hayes, Michael Quilligan, Thomas Coffey, Patrick Sheehy, Denis O'Driscoll, Patrick Fitzsimons, Michael Bourke, D. O'Sullivan, D. Lanigan, D. Hynes, M. Doyle, M. Cahill, M. Lalor, M. Fitzgerald, John Morrissey, John Hurley, V. Hurley, T. Cosady, P. O'Halloran, M. Daunt, Sergeant Morgan, Guard McLoughlin, Ted and Paddy Hackett, C. Begley, M. Leydon, Michael Collins, M. McInerney, E. Naughton, Mr. Glynn, F. Rice, M. Nestor, Mr. Betson, D. Quaid, N. Gavin, P. King, M. Ryan, J. Pigott, W. Morrow, J. Lane, G. O'Brien, James Lane, W. Murphy, F. Laurie, J. Dinan, J. Hanrahan, G. Callahan, P. Shanahan, M. Sliney, Jos McDonnell, Joe Galbraith, R. Meskeil.

Telegrams were received from the following:—The Mayor (Ald. D. Bourke, T.D.), Professor Philpot, Mrs. Catherine Hassett, Mary Reidy, Mrs. M. Lane, Florrie Nestor, Keane family, Anna Downes, Gerard Hartigan, Maedje Mulcair, John McMahon.

Mass Cards were sent by:—Eileen, Joe and grandchildren; Pat and Anna; the McGowan family; George; Mrs. M. King; Mrs. Callanan and family; Nora, Frank, and family; John and Josie; the Hassett family; Liverpool Victoria staff; Robert and Tim Downes; Michael and May; Maggie, Peggy, Clair and Billy; Nurse McMahon; O. Plant; Larry and Fan O'Neill; Mrs. Hackett and family; F. Chambers; the Hartigan family; Minnie and May Hartigan; Mrs. Connaughton; K. O'Sullivan; Michael Shanahan; May Keogh; Eileen O'Donovan; Mr. and Mrs. Curtin; Maureen and Theresa; Jo. Hayes; G. and K. McMahon; Mr., Mrs., and Mary Keyes; Mrs. Tucker and family; Mrs. V. O'Dwyer; Mrs. McMahon and family; P. Ward; Mary and Michael Moroney.

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CIRCUIT COURT
Trespass Action
Hedges Were Cnt

Before Judge Wyse Power, at Limerick Circuit Court

Michael Walsh, Lisnalta, Limerick, brought an action claiming £50 damages for trespass and title jurisdiction against Bertie O'Shaughnessy, Lisnalta, Rosbrien.

Mr. M. Danaher, B.L. (instructed by Mr. J. J. Sexton, solicitor), appeared for the plaintiff, and Mr. D. G. Kenny, B.L. (instructed by Mr. D. G. O'Donovan, solicitor), for the defendant.

The plaintiff's case was that in November last the defendant or his servants entered the plaintiff's lands at Derrybeg, and by cutting down bushes deprived him of his shelter for cattle. He had always used these lands for cattle, and since the bushes were cut the field was useless.

Catherine O'Shaughnessy said she and her family lived on the lands now owned by the defendant. She knew the boundary fence between Walsh's land and O'Shaughnessy's, and while she was living in the area the fence was never cut to deprive the plaintiff of his shelter.

For the defence, Mr. Wm. Ryan, architect, stated he visited the lands in question, and in his opinion the defendant had done nothing to deprive the plaintiff of his shelter.

Bertie O'Shaughnessy, the defendant, said he was living on the lands for 24 years. He slipped the hedge in question on his own side, because it was interfering with him when he was bringing hay along the passage parallel with the hedge. He did not trespass on the plaintiff's property, and he did not try to stop him using the passage. Nothing had been cut from the top of the fence except a few overhanging branches.

Patrick O'Shaughnessy said he formerly lived on the lands now owned by his son, the defendant. As far as he could remember there had never been any bushes along the boundary until they grew naturally in recent years. The cattle had not been deprived of their shelter.

The Judge said he had no doubt that the defendant cut down the trees for the sole purpose of annoying the plaintiff. If it was necessary to lop the trees in order to let the defendant take in hay, the question was was he entitled to cut down the entire fence. The evidence was very unsatisfactory, but the entire case hinged around whether the defendant was entitled to cut the trees. He believed, on the evidence of Mrs. O'Shaughnessy, that the fence was the plaintiff's property, and he awarded £5 damages.

MISSING GIRL.
Margaret Murphy (18), of 120 Oliver Plunkett Street, Island Field, Limerick, who has been missing from her home since January 24th, has returned home.

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