

Disposal of Farm

Unusual Evidence in Court

SON PLAINTIFF--FATHER DEFENDANT

At Limerick Circuit Court to-day. Michael Ryan, of A1 Bar, Pennywell, Limerick, and Thos. Brazill of Kilscolly, Newport, sought to have established the will of Benjamin Ryan, Clare Glens, Murree, made on March 14th, 1939.

The application was opposed by Owen Ryan, Park View House, Corbally, Limerick, on the usual statutory grounds.

Mr. J. Wilson, B.L. (instructed by Mr. E. A. Ryan, solr.), appeared for the plaintiffs. Mr. G. C. Cullinan, S.C., and Mr. T. K. Liston, B.L. (instructed by Mr. Nal Gaffney, solr.), for the defendant.

Mr. J. McMahon, B.L. (instructed by Mr. A. J. Blood-Smyth, solr.), appeared for Mrs. Benjamin Ryan.

Mr. A. Ryan, solr., described a meeting with deceased, and said he was introduced to him by his wife. Deceased was a little incoherent in his speech, but witness understood what he was saying.

At the time witness went into the room where deceased was in bed a Miss Laffan came in to shake up the pillows. When everyone had left the room witness asked him did he want to make a will, and he said he did.

Deceased said that if he wished his wife to bring in certain saving certificates. She did so, and he took them from her, and then handed them back, saying he wanted her to have them.

When asked by witness how he proposed to deal with the rest of his property, he said he wished to leave it to "Tom and Michael," his nephews.

The Munster and Leinster Bank were appointed as executors. At witness's request Nurse Laffan entered the room and witnessed the will. Witness read the will through to deceased in her presence, and asked him was that what he wanted to do, and he said it was. Deceased's hand was shaking, and he made his mark on the will.

Answering Mr. Cullinan, witness said that the direction in the will to have a home provided for the wife was given by testator at the time he mentioned his nephews.

Replying to further questions, witness said the testator died on 23rd March. Mr. Cullinan—Did you ask how much money witness had?—No.

He could have been a millionaire for all you knew?—He could. Did you ask him had he any children or not?—I already knew he had.

Did you ask him whether he had ever made any other wills?—No. Why did you put the clause in this will revoking any other wills?—That is usual. This man never recovered from the stroke he had?—No. He died on March 23rd.

Mr. Cullinan—Were you aware that Mr. A. Killeen, solr., visited him on March 6th?—No.

he would probably be better treated in hospital, as there was only his wife to look after him in the house. His mental condition was quite good. The deceased was taken to hospital on March 18th.

Replying to Mr. Cullinan the witness said that when he got to Clare Glens Mr. Ryan, solicitor was at the house.

You knew he was there to make a will?—That would be the only thing he was there for.

Did Mr. Michael Ryan say anything to you about the will of March 14th?—I do not remember.

In reply to further questions, Dr. Moloney said he saw Dr. Coffey. He told Dr. Coffey that he thought the man was capable of making a will.

Mr. Cullinan—Did Dr. Coffey disagree with you?—I do not think so.

Dr. J. Corboy said he saw Mr. Benjamin Ryan on March 16th, and thought he was perfectly capable of making a will.

Replying to Mr. Liston, Dr. Corboy said that as he was leaving the house on March 16th he saw Mr. A. Killeen, solicitor, arriving.

PLAINTIFFS' EVIDENCE.

Michael Ryan, one of the plaintiffs, said he was son of Owen Ryan. On March 14th, at the request of Mrs. Benjamin Ryan, he brought Mr. E. A. Ryan solicitor, to Clare Glens to make a will, and at Mrs. Benjamin Ryan's request, on March 16th, he brought out Mr. Sexton, solicitor, to make a second will.

Tom Brazill was in the house fairly constantly since the deceased had got the stroke. Mr. Sexton asked to have a doctor before making the will on the occasion of his visit. Dr. Coffey was sent for, and expressed the view that the deceased was incapable of making a will. Mr. Sexton then refused to draw up a will. At the request of Mr. Sexton he went to Limerick to get a second solicitor. He saw Mr. Martin Tynan, and asked him if his father, Mr. Michael Tynan, was available.

He could not remember saying anything to Mr. Tynan, jr., about going to Clare Glens to make a deed. He then saw Mr. Tynan, senr., but did not tell him that Dr. Coffey had expressed the view that the deceased was incapable of making a will. Mr. Tynan agreed to go out, and witness also went for Dr. Moloney. Mr. Sexton was gone, and the house was locked up when they arrived out. They eventually got in, but Mrs. Ryan ordered them to get out again.

DREW A CHEQUE.

The witness, in reply to further questions put by Mr. Liston, stated that on March 22nd his uncle, who was then in the County Infirmary, drew a cheque for £25. He made his mark on the cheque, which was witnessed by a man named O'Dwyer, who was witness's employee.

Judge—What did the deceased want the money for?—He gave it to me and to Tom Brazill.

Did the Bank refuse to cash the cheque without a certificate from a doctor?—Yes. Dr. Moloney called into the Bank and said deceased was competent to sign it.

Judge—Could you not have got plenty people in the Infirmary to witness the cheque without bringing along your workman?—We asked some of the nurses and they did not care to have anything to do with it.

Judge—How did he come to give the money to you?—I told him I wanted some money, and he gave it to me.

In reply to another question, the witness denied that he called on Mr. O'Donovan, solicitor, with the object of getting him to go to the Co. Infirmary and make a will for his uncle.

Mrs. Margaret McKenna said she was a neighbour of the late Benjamin Ryan. On March 5th she was called to his house, and found him very ill. After four or five days he improved, but at times was inclined to be a little incoherent. On 16th March she was in the bedroom with the deceased and Mrs. Ryan. The deceased called his wife over to the bed and said: "Don't be troubled or put about. This will be your home while you live." The deceased also told her to let no more people in to him, as he had no more wills to make, since he made one some days previously. At the time he said that Mr. Sexton was outside with the nurse, Mrs. Hickey.

Mrs. Kate Collins, sister of Mrs. Benjamin Ryan, said she was in the house on the 14th March when Mr. Alban Ryan, solicitor, came out. Later Mrs. Ryan came out of her husband's room and told witness that deceased had given her his saving certificates.

Mrs. Benjamin Ryan, widow of the deceased, said that on March 5th she sent for Dr. Coffey to examine her husband, who got a slight paralytic stroke.

Further hearing was adjourned until to-morrow.

THE RED CROSS.

A Clare branch of the Irish Red Cross Society was formed at a meeting in Ennis, Senator T. V. Honan, presiding. The following Committee was appointed—Senator Honan, Rev. M. Madden, Adm.; Rev. Chancellor Griffin, Dr. J. B. MacClancy, Dr. J. H. Counihan, Dr. W. F. O'Keefe, Dr. P. McInerney, Dr. P. Moylan, District Justice Gleeson, Mr. M. J. Keane, with Dr. G. P. McCarthy, County M.O., as hon. secretary.

FOOD CONTROL.

LIMERICK RESOLUTION. At a Conference held in the Town Hall, Limerick, representative of the Corporation, Chamber of Commerce, Trades Council, and O'd I.R.A., Ald. D. Bourke, Mayor, presiding, a resolution was passed requesting the Minister for Supplies to give Limerick representation on any body that may be set up to control provender feeding stuffs.

Molotov's Speech Awaited.

TO-DAY'S WAR NEWS.

Europe is eagerly awaiting the speech which M. Molotov, Soviet Foreign Minister, is to make this evening. It is expected that the speech will deal with Soviet policy in relation to Europe, and particularly with regard to the Baltic.

The Supreme Council of the U.S.S.R. is now in session at the Kremlin. M. Molotov is expected to deliver his address immediately after the meeting.

To-day there was again reports of a quiet night on the Western Front. The French Communiqué states that there was no activity on any part of the sector, but with a clearance in the weather air activity is becoming more marked on both sides. It is also reported that a German plane was brought down inside the French lines.

GERMAN CLAIM. The German Communiqué is somewhat similar, and it is claimed that four French planes were destroyed yesterday.

A big re-shuffle of the Italian Cabinet was announced in Rome, to-day. Senator A. Freda, Minister for Propaganda, has resigned, with five other Ministers, three Under Secretaries, including those for War and Air. Several High Army officials have also resigned.

THE EFFECTS. The effect of the re-shuffle will not be known for some days, but it is felt that the new Cabinet will show a decided leaning towards peace.

In London it is pointed out that it is the practice of the Italian Government to have Cabinet re-shuffles, and that the last one was in 1935, so that the present changes were long overdue.

Within the course of a few days Italy is to sign a non-aggression Pact with Turkey, and it is felt that this will further stabilise the position in the Mediterranean.

Australia is sending an Air Expeditionary Force, consisting of 17 officers and 168 men, to England at once. It was announced to-day.

It is also announced that England had purchased 1,000,000 bushels of wheat from the Commonwealth.

A SHORT WAR.

FRENCH STATESMAN MAKES FORECAST. M. Joseph Caillaux, the veteran French statesman, who is Chairman of the Powerful Senate Finance Commission, is the first prominent Frenchman to envisage the possibility of a short war.

Writing in the "Paris-Solr" on Germany's chances of obtaining necessary supplies for the prosecution of the war, he declares: "If they—the Allies—know how to utilise their advantages and concentrate in particular on petrol, their triumph will be assured in a short space of time."

BRITAIN'S REPLY TO ATHENIA CHARGES.

The British Government has, through the British Ambassador at Washington, informed the U.S. Government that the Athenia carried no bullion, guns or explosives, was not sunk by British mine, submarine or gunfire, and was not intended for use as an armed raider.

"MILK WAR"

Considerable Gardai Activity

In connection with the alleged malicious destruction of a quantity of new milk at the Drombanna Creamery last week, a sixth arrest was made during the week-end, when John McMahon, farmer, Clonmackin, Caherdavin, Limerick, was taken into custody. He was charged with conspiracy, unlawful assembly, malicious damage and riot.

At a Special Court he was remanded on bail to the Liberties District Court. It was reported during the week-end that a number of men in a motor car called on certain milk retailers and warned them not to accept milk from the Drombanna Creamery. A well-known farmer and distributor, who obtains some supplies from the Creamery, was also called upon and urged to join a certain organisation and to sever all connection with the Creamery. He refused, it is stated, to comply with either request.

As a result of these visitations there was great activity yesterday on the part of the authorities, and milk coming from Drombanna or from the distributor referred to, are now being escorted by Gardai.

HOUSE STRUCK BY LIGHTNING

Dublin Family's Escape

A Dublin family had a terrifying experience on Monday morning when their house was struck by lightning in a thunderstorm of unusual severity. Although the storm only lasted a short time it was accompanied by a torrential downpour of rain and hail, as well as loud peals of thunder. Later the city was bathed in brilliant sunshine.

When the storm was at its height Mr. Jas. Anderson and his family, who reside at Nash Street, Inchicore, had a nerve racking experience when there was a terrific flash of lightning which struck the chimney of their two storey house. The flash seemed to split the chimney and the breastwork crashed down, damaging the slates in its fall.

The Anderson family were at home at the time, and the children were terror struck. The family rushed into the street and a crowd gathered quickly. Fortunately no one was injured.

Later Corporation workmen arrived to place a scaffolding round the damaged chimney.

LIMERICK BRIDE.

The marriage took place at University Church, St. Stephen's Green, Dublin, between Mr. J. Kearns, eldest son of Mr. and Mrs. John Kearns, of Bonybrook House, Santry, and Miss L. Graham, daughter of Dr. M. Graham and the late Mrs. Graham, of Malloy Street, Limerick.

Celebrated in the Cathedral

Impressive Sermon by Rev. Father Gill, C.C.

The Feast of Christ the King was celebrated at St. John's Cathedral on Sunday, when His Lordship the Bishop, Most Rev. Dr. Keane, presided at Solemn High Mass.

The Mayor, Ald. D. Bourke, T.D. and members of the Corporation attended in State, and the Guard of Honour was provided by Catholic Boy Scouts.

Mr. J. J. Berkery, City Manager, was also present. Mass was celebrated by Rev. W. J. O'Grady, C.C.; deacon, Rev. B. Gill, C.C.; sub-deacon, Rev. William Creed, C.C.; and master of ceremonies, Rev. J. Brassill, C.C.

Rev. D. Kelly, Adm., was assistant priest to the Bishop, and the deacons at the Throne were Rev. D. Martin, St. Munchin's College, and Rev. M. Purhill, do.

IMPRESSIVE SERMON.

After the First Gospel an eloquent and impressive sermon was preached by Rev. Father Gill on the Kingship of Christ. He took for his text, "Art Thou King? and Christ answereth: Thou sayest that I am a King."—Gospel of St. John, chap. 18.

Father Gill, in the course of his sermon, traced the foundation of the Kingship of Christ in the Old Testament, and the coming of Christ as Christmast.

He proceeded to say that the late Holy Father had instituted that great Feast so that all men would recognise Christ's Kingship. Christ's Kingship was not of this world, but was in this world, yet because men refused to listen to the voice of Christ's Vicar and had expunged from their hearts the principles of Christian Justice and charity, the world now found itself in the midst of another devastating war. There could be no true peace until all men returned to Christ, followed His teachings, and gave full force and effect to the principles of charity and justice.

To do that it was first essential that all should eradicate sin from their souls and possess in their hearts a Christ-like love of all men.

THE CHOIR.

The Cathedral choir, conducted by Professor King-Griffin, rendered beautifully the Mass of the "Orbis Factor." Mr. Joseph O'Mahoney, the prominent Limerick tenor, sang in perfection of exquisite tenderness, which revealed superb artistry. The "Pans Angelicus," by Cesar Frank, presiding at the organ. Miss Monica King-Griffin played with mastery technique the accompaniments for the occasion.

BISHOP OF KILLALOE

On Destruction of Poland

Old and Great Catholic Power

Preaching on the Feast of the Kingship of Christ at Ennis Cathedral on Sunday, Most Rev. Dr. Fogarty, Bishop of Killaloe, described the destruction of Poland as "the most unscrupulous and horrid crime" that he knew of in international history. It was also, he added, the meanest, buttressed as it was by "unblinking hypocrisy, falsehood and insolence."

All over the world to-day, said his Lordship, the Catholic Church was raged around the Throne of Christ to salute and honour Him with uplifted hearts as the Sovereign Lord and Master of the Universe, "King of Kings and Lord of Lords," to whose holy rule all men were subject—States, Governments and persons.

This Feast was a new one; but the doctrine of the Kingship of Christ was as old as Christianity. His Divinity and regal power formed the very first article of Christian belief.

"Why, then," asked his Lordship, "was the institution of this Feast reserved for our day by the late Holy Father, Pope Pius XI. of glorious memory? Now, for the first time in history, the papacy's of absolute infidelity has begun to spread like a plague amongst nations, repudiating all things spiritual, making open war upon Christ, and threatening with destruction His Kingdom in the souls of men. You have only to recall what has happened in Russia, what has happened in Mexico; what was attempted a few years ago in Spain, until General Franco, with a Crusader's arm, and backed by a noble people, met and destroyed it there. You have only to look at what is happening now in Eastern Europe to see with what utter contempt the name and the law, and holy rule of Christ is being treated by the brutal forces of materialism. Their infamous theory is that States and people are not to be ruled by Christ but by resident divinities of their own."

TWO MONSTER POWERS.

"The destruction of the ancient and historic Kingdom of Poland by two monster Powers—Poland that was great and Catholic before some of these Powers were ever heard of—is the most unscrupulous and horrid crime that I know of in international history. It is also the meanest, buttressed as it is by unblinking hypocrisy, falsehood and insolence. Surely there never was a time when the Divine Standard of Him who is the High King, as well as the Saviour and Father of mankind, should be held aloft before the eyes of men, with the light of eternal truth radiating from it, revealing the sublime destiny if man, and indicating the one sure road to human happiness and peace. And it was to do so, to recall the word of Christ and save us from the ruinous abyss of materialism that the Feast of Christ the King was instituted by the Holy Father."

After being uninhabited for 30 years, the larger of the Saltee Islands, four miles off the South Wexford coast, is under the plough. Mr. Claude Francis, who recently purchased the islands, brought a tractor over in sections. He intends to grow early potatoes, onions, and corn. The island, which comprises 290 acres, had first to be cleared of rabbits.

HITLER SEES SURGEON.

Professor Sauerbruch, a throat specialist of repute, has visited Hitler three times in the last three weeks.

DECREEES

Cases at Circuit Court

No Appearances

His Lordship Judge McElligott K.C. opened the business of Limerick Circuit Court yesterday.

Mary Ebrill, Summerville Cottage, Limerick, brought an ejectment for overholding against James Galavan, 14 Victoria Terrace, Limerick.

Mr. J. McMahon, B.L. (instructed by Mr. J. Durdon, solicitor), appeared for the plaintiff, and there was no appearance for the defendant.

Patrick Cahill, Court Officer, proved notice to quit was served on the defendant.

His Lordship then made an appointment order.

Patrick Gilligan, 13 Carey's Road, Limerick, brought an ejectment for overholding against Austin Quinn in respect of a house occupied by the defendant at 44 Parnell Street, Limerick.

Mr. T. Pigott, B.L. (instructed by Mr. T. E. O'Donnell, solicitor), appeared for the plaintiff, and Mr. J. McMahon, B.L. (instructed by Mr. D. G. O'Donovan, solicitor), for the defendant.

Mr. Pigott said that no defence had been entered.

His Lordship—Where is the certificate of valuation?

Mr. Pigott—I did not think it was necessary since there is no defence.

His Lordship—I know, but the case may be beyond my jurisdiction.

Mr. McMahon said that the plaintiff was the father-in-law of Mrs. Quinn and they claimed that Mr. Quinn was not the tenant. No rent had been paid since 1932 by tacit consent, and now the plaintiff was not claiming rent, but wanted the house for his own use.

His Lordship made an order subject to the production of the certificate of valuation.

STANDARD RENT.

John Collopy brought an application to fix the standard in respect of his tenancy at No. 5 Davis Street, held from William Crowley, deceased.

Mr. G. Kenny, B.L. (instructed by Mr. T. O'B Kelly, solicitor), appeared for the applicant, and Mr. T. K. Liston, B.L. (instructed by Mr. J. J. Durdon, solicitor), for the defendant.

Mrs. Mary Conroy said she was tenant of 5 Davis Street in 1914. The upper part of the house was not furnished at that time, and the ground floor was a shop. She never lived on the premises, although she was a yearly tenant at either £32 or £37 a year.

John Morrissey, rate collector, stated the valuation of the premises in 1914 was £10.

John Collopy, the applicant, stated that the house in question contained three rooms upstairs, and he carried on a small business on the ground floor. He was paying 32/6 a week rent.

His Lordship—That is a terrible rent. Mr. Liston said that the point in the case was that the application was being made with a view to recovering a lot of back payments if there were over-payments.

His Lordship held that Mrs. Conroy did not occupy the house as a residence in 1914.

TEMPORARY MANAGER

Mr. P. J. Geraghty's Appointment

Mr. Patrick Geraghty, Rathclare House, Buttavane, Co. Cork, has been appointed by the Minister as Acting City Manager of Waterford County Borough Council.

Mr. Geraghty, who took a prominent part in the struggle for Irish Independence, has been attached to the L.G.B. for many years past as General Inspector. Under the Limerick City Management Act he was first Acting Manager in Waterford at noon on Friday next, when he will preside over the first meeting of the newly elected Waterford Corporation.

The principal item on the agenda for this meeting will be the election of Mayor.

As regards the permanent appointment of City Manager, it is understood that the new Corporation will request the Appointments Commissioners to submit a name for the position.

POPE'S ENCYCLICAL

"Salvation Comes Not by the Sword"

"Salvation comes not by the sword." In these words Pope Pius XII. addressed the war weary world when his first Encyclical since his accession to the Chair of Peter, last March, was issued at the Vatican on Sunday. His Holiness promised to do everything in his power to hasten the return of peace, and expressed his sorrow for Poland. Dealing with the "conceptions which have brought the world to the present horrible abyss," His Holiness denounced the refusal to accept a standard of universal morality for the life of the individual, for social life and for international relations, and "the error which pretends to absolve civil authority from any dependence whatever on God, thus setting up the State as the final end of life." This State autonomy, said the Pope, was contrary to the principle of natural reason and Christian conscience.

INSPECTOR BEREAVED.

The Saverin inquiry to have been held at the Limerick Mental Hospital to deal with allegations made in the Audit report was not held owing to a bereavement in the family of the Inspector, I. A. P. McDonnell.

People and Events

MOUNT COOTE.

Lord Dunsany's estate, which was valued at £100,000, was sold at auction on Monday before the war of 1914. Mrs. Coote a philanthropist, and she gave some of the proceeds to the County, with a number of other charities, and she was a very generous person. The sale of the estate was the present owner's last act before the loss of the war. The estate was a pedigree cattle and sheep farm, and was brought to a remarkable sale by the late Baron, who was one of the most extensive and successful of the stock breeders.

AN OLD CITIZEN.

The death of Mr. James M. Kenz at his residence, 100 Carey's Road, has been learned. Mr. Kenz has been a friend in Limerick, where he spent part of his life. He was for a long period Manager of the Estate Office, Barrington Street, and when it closed he went to live in Belfast. Mr. M. Kenz had a wide knowledge of agriculture, and had the full confidence of a late Mr. John B. Barrington, one of the most considerate and popular of agents. His Manager worked and presided these qualities in his dealings with the tenants. He was a man of a quiet and retiring disposition, and a charitable.

"WYVERN."

Limerick Greyhound Track closes its charity meetings on Friday and Saturday nights. The Track has had a very successful season, and there could be more striking illustration of its popularity than in the patronage of owners even from places a long distance from the city. Punters, who rarely add their losses, invariably came out on a right side, especially those who follow "Wyvern's" selections. He has a flair for picking them out—a flair for the many happy returns of his luck, and long term of prosperity to the Bad Track, which has now finished its seven season at the familiar way.

PRO TEM POST.

Mr. P. J. Geraghty, Local Government Inspector, has been appointed by the Minister City Manager, pro tem, Waterford. He will have the task of launching the new system of Civic administration in Urbs Intacta, as he has in Limerick in 1934. Mr. Geraghty was here as Acting Manager until Mr. T. O'B Kelly, who was appointed to the post during that time, he accomplished a lot of solid work in clearing the ground for his permanent successor, who obtained preferment after two years. Mr. Geraghty was well liked in Limerick and will probably be best remembered for his work while Poor Law Commissioner, and the provision of new hospitals at the City Home.

CITY LIBRARY.

A few days ago a city youth made enquiries if he could become a borrower from the County Library, and of course received a negative reply. If he possess his soul in patience a little longer he can satisfy his appetite at the Municipal Library, which is being reorganised and restocked. This work has been in progress some time, under the direction of the Librarian, Mr. R. Herbert, who hopes to cater for every taste. The produce of the additional rate struck by the Corporation will mean many new books on the shelves, which have been cleared of the rubbish which the old Committee had so assiduously allowed to accumulate.

JUDGE McELLIGOTT.

Judge McElligott was noticed to looking fit and well when he opened the Michaelmas Sittings of Limerick Circuit Court yesterday. That joyful event, his son's marriage lifted some years from his shoulders, which are as broad and sturdy as on the day, sixteen years ago when he took his seat on the Bench. The Judge is very fond of outdoor life, taking long walks into the country, which accounts for his agility. He is the outlook of exuberant youth; he can tell and enjoy a good story. His intense humanity—consideration for the poor and helpless—is the finest quality. Judge McElligott.

BEREAVED.

The death, took place on Friday in away Mania, the capital of the Philipines, of a Nun who had associated with Limerick, Sister Mary John Eades, formerly Miss M. O'Callaghan, of Co. spent some years of her religious life in the Convent of the Good Shepherd, 11a Street, before going to the Archdiocese where the Irish Redemptorists have houses. The late Sister Mary John Eades was sister of Mrs. J. Murphy, 23 Terrace, wife of the Chief Superintendent Garda Síochána, Limerick. In the bereavement they will have the same sympathy of the citizens.

SAFETY.

The steamer "Inverse," which was considerably overdue with a cargo of 200 from an English port, arrived in Limerick on Sunday. There were fears of her safety when over twelve days on voyage, ordinarily accomplished in 48 hours or thereabouts. No explanation has been given for the cause of her delay; it may be due to some accident, whatever the reason, it is good to know the city's coal supply will be increased.

INQUIRY POSTPONED.

The Saverin inquiry to have been held at the Limerick Mental Hospital to deal with allegations made in the Audit report was not held owing to a bereavement in the family of the Inspector, I. A. P. McDonnell.

The Auditor alleged that certain stock, the property of the Men Hospital, had been purchased by members of the Board, who had a result disqualified themselves.