

Passage To Fox Covert

JUDGE AWARDS DAMAGES

In a title jurisdiction case at Limerick Circuit Court on Tuesday, before Judge E. J. McElligott, K.C.,

Michael Sheehy, Croughteen, Castletownconyers, sued William Cullinan, Castletownconyers, for £10 damages for trespass.

Mr. T. K. Liston, B.L. (instructed by Mr. J. T. Liston, solicitor), appeared for the plaintiff, and Mr. J. McMahon, B.L. (instructed by Messrs. Sellors and Co., solicitors), for the defendant.

Mr. Liston said that the defence was an alleged right-of-way over the lands of the plaintiff, situated at Castletownconyers.

Mr. Richard Ryan, architect, produced a map of the lands in question and gave evidence regarding their disposition.

Denis Feahan, Dromcollogher, said that he was employed by the late Mr. P. Liston at Castletownconyers from 1910 to 1930. His work included hay-making and looking after the cattle. While he was there he never saw anyone going over the lands to the fox covert, except the County Hounds. He never saw Mr. Cullinan going over the lands.

Replying to Mr. McMahon, witness said he believed that the County Hounds owned the covert at the time he referred to. Mr. Liston had cattle on the lands and the amount of tillage varied. To his knowledge Cullinan never used the passage.

Mr. McMahon—The passage could have been used once or twice a year without your knowledge?—It might be.

USED BY THE HUNT.

John Ring said that he worked at Castletownconyers for about 25 years and commenced working there about 1915. He continued up to 1929. He used go to the farm every morning and evening. He knew the place which Mr. Cullinan was claiming as a right-of-way to the fox covert, but with the exception of the hunt he never saw anyone else using this passage. The large gate to the covert used to be locked and the key retained by the keeper. No one could bring a cart to the covert during witness's time, as there was another gate which witness used lock.

John F. Liston, son of the late Mr. P. Liston, said that when he became owner of the lands he made frequent visits to them. He never saw anyone walking over the place, claiming a right-of-way.

Michael Kennedy, owner of the land adjoining Mr. Sheehy's place, said that he never saw Mr. Cullinan going over Mr. Liston's land and was not aware that defendant was claiming a right-of-way until recently.

Michael Sheehy, plaintiff, said he bought the lands in 1929 from Mr. Liston. When he bought the lands he did not know that Mr. Cullinan was claiming a right-of-way. Mr. Cullinan met him subsequently and witness told him that if he saw him on the lands he would treat him as a trespasser. Witness never saw anybody make use of the fox covert.

James Burke, employed by Limerick Hunt as covert keeper for about 13 years, said that he never saw Mr. Cullinan or any member of his family making use of the fox covert. Witness had a key to the gate leading into Mr. Sheehy's land and this was kept locked.

Mr. McMahon—How long is this big gate locked?—12 or 13 years. I open it on hunt mornings.

Is it locked all the year round?—Yes. Joseph Riordan said that when he was employed last year by Mr. Sheehy he found Mr. Cullinan at the gate at the top of the passage one day. The gate had been locked in the morning. Mr. Cullinan and his son took a horse and cart through the gate. There was a tree on the cart.

P. King (Messrs. Weply) produced the conditions of sale of lands at Castletownconyers. In 1935 the remaining lands were sold to the defendant. These consisted of the demesne and the fox covert.

WENT TO THE COVERT.

William Cullinan, defendant, said that he had known the lands at Castletown for the past 55 years. When David

DEATH OF POPULAR OFFICIAL.

Profound and widespread regret was felt in Ennis and in his native town, Rathkeale, when the death was announced of Mr. Michael Guinane, popular official of the G.P.O., Ennis, on Sunday, the 23rd inst. The grief of his relatives and friends was all the more poignant because his death was unexpected. The immense concourse of people who attended the removal of the remains from the Hospital, Ennis, to the Cathedral on Monday evening testified to the appreciation and high esteem in which the late Michael Guinane was held by the people of Ennis and its environs.

On Tuesday, the 25th inst., Solemn Requiem Mass was celebrated in the Cathedral, Ennis, by Rev. Father Flannery, assisted by Rev. Father Hamilton, Adm., and Rev. Father Cahill. Also present in the choir were: Very Rev. Canon Vaughan, Father Quinn, Father Madden, Father Roche, Father Murphy, Father Hogan, Father Rodgers, and Father Joacim, O.F.M.

The funeral, which took place to the Old Cemetery, Rathkeale, was large and representative of all classes in Clare and Limerick. An exhaustive list of those present would be impossible to provide.

The relatives present included—Messrs. H. and T. Guinane (brothers), Mrs. H. Guinane and Mrs. T. Guinane (sisters-in-law), Misses Bernadette, Tessie, Breda, Hanna Guinane, Mrs. W. Boyle (nieces), Messrs. Sean, Liam, Michael, J. and Patrick Guinane (nephews), Mr. W. Boyle N.T. (nephew-in-law), Misses Kitty and Aine Boyle (grand-nieces), Master Liam Boyle (grand-nephew).

Very Rev. Canon Mangan, P.P., officiated at the grave, assisted by Rev. Father Lynch, C.C., and Rev. Father Costello.

Numerous letters and telegrams of sympathy were received by his relatives.

Mass cards were sent by the following:—Harry and Baby; Tom, Kate and Breda; Bernadette and Tessie; Sean and Liam; Hanna, Michael, Joe and Patrick; Bill, Bridie and family; John and Josie; Jack and Nora; Frank, Tess and the boys; Dr. and Mrs. Moylan; Joe and May Halpin; Margaret Enright; Mrs. K. Spellisy and Paddy; Alice O'Donnell; Jack and Eileen O'Sullivan; Martin Hehir; J. Griffey and family; Mrs. Dan Collins; the Darcy family, Carmody St.; Peggie O'Loughlin and family, Riverview; Paddy and Katty Moloney; Mary J. Mongovan; Michael and Kitty Connellan; John and Mary Carroll, Steele's Terrace; the Quirke family; Tom and Mrs. Mulqueen; Harry and Mrs. O'Connell; Mrs. L. O'Donoghue; Tom and Mrs. Cunningham; Mr. and Mrs. Gordan; Dr. F. O'Mara; Thomas J. Kinnane, N.T.; Joe and Mrs. Daly; Dr. and Mrs. Brennan; Jim and Nell; F. McDermott; Joe and Francis Maloney; Tadhg O'Seaghda agus a bhean; the Griffen family; John and Margaret Leyden; Joseph and Elizabeth Weir; Pappy Ryan; Johnnie and Eily Maloney; Mrs. McEvoy and family; the Meehan family; Margaret Murphy, N.T.; the staff, G.P.O., Engineering Dept., Ennis; C. and A. Ahern; Civic Guards, Ennis; Jim and Aggie Colgan; the outdoor staff, Ennis P.O.; Agnes O'Brien and D. Considine; Mary R. Kerin; Ennis Dalcaasian Hurling and Football Club; Nellie Costelloe and Teresa; A. J. and Lily McEvoy; Thomas, Casey and family; J. Hanrahan; the Cahir family; Ned, Nora and family; Mary Kelly; John Carroll; Hugh Hehir; P. Harnett and family (Donegal); Christy and Maura Power; May and Tom Browne; Kit and Aggie Keane; John O'Halloran; Mr. and Mrs. P. J. McNamara, N.T.; Joe and Maud Griffin; M. and W. O'Keeffe; the Maloney's, P.O., Feakle; Denis Quinn; James Frawley and family; Mr. and Mrs. James Brookes; James and Mrs. Quinn, G.S.R.; Mickie and Mary Connolly; Nora and Joe; Mr. and Mrs. P. Roughan and family; N. Hehir; Committee and members, Forester's Club; D. and L. Long; postmaster and indoor-staff, G.P.O., Ennis; Lena and Tom Gill; the O'Connell Club; Michael and Mrs. Fawl; Mrs. and Anne Kennedy; Twohey family; Mrs. K. Shannon; Sam and May.

MISS MOLLIE CLEARY.

The organisers of the above fund, in publishing the preliminary list of subscribers, wish to thank those who have so generously contributed and trust publication will be sufficient acknowledgment of subscriptions received.

As this is a very deserving appeal, it is hoped it will have the wholehearted support of the public.

Further lists will be published in due course.

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