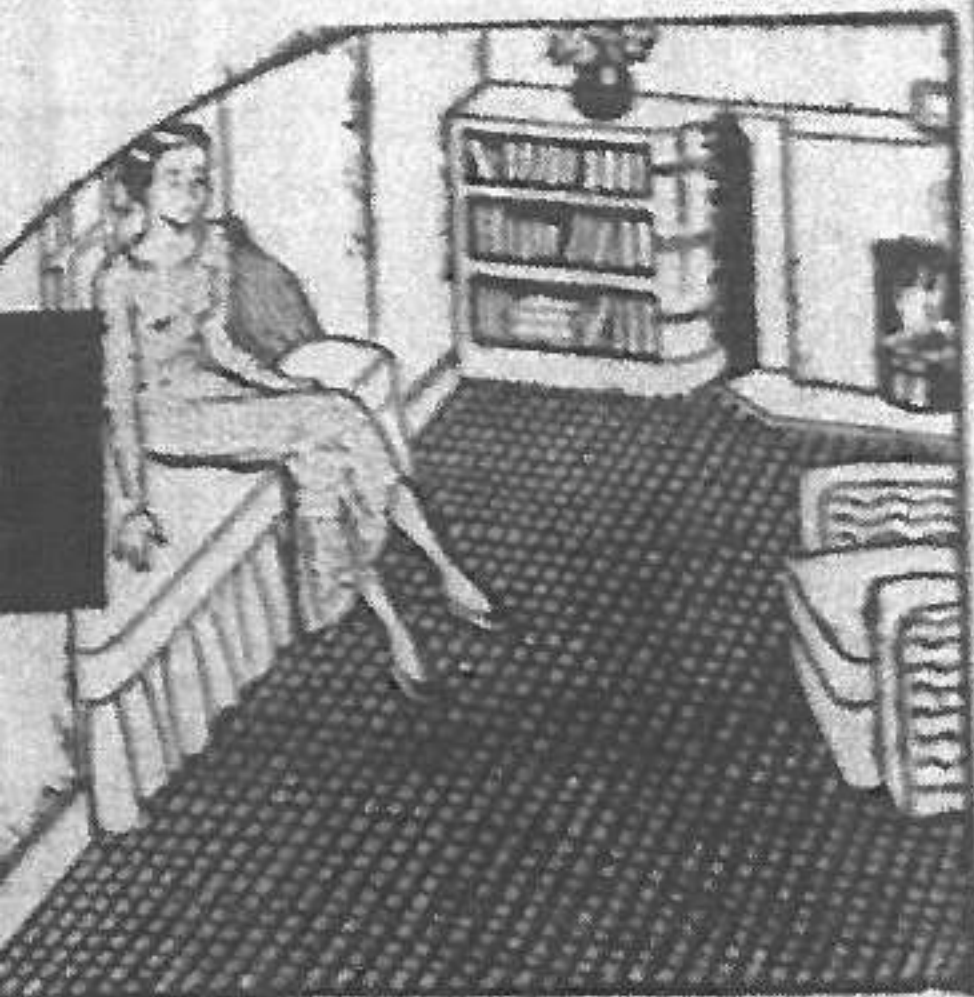


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JURY DISAGREED

Manslaughter Trial

SEQUEL TO FATALITY NEAR FOYNES

The trial of Michael J. O'Leary, Foynes, for the manslaughter of Liam Purtill, ex-N.T. Foynes, concluded at the Limerick Circuit Court yesterday after a three-day hearing.

It was alleged by the State that the accused knocked down Mr. Purtill with his motor car, inflicting fatal injuries.

Mr. P. J. McEnery, K.C.; Mr. T. O'Donovan, B.L. (instructed by Mr. J. J. Power, B.A., State Solicitor), prosecuted.

Mr. T. K. Liston, B.L. (instructed by Messrs. P. T. Liston and Co., solicitors), appeared for the accused.

THURSDAY'S PROCEEDINGS.

At yesterday's hearing.

Evidence having been given by four licensed traders as to supplying the accused with refreshments on the day of the tragedy, the case for the State concluded.

The accused then entered the witness-box and was examined by his counsel, Mr. Liston.

O'Leary stated that he was an Agricultural Instructor to the Limerick County Committee of Agriculture for the past 28 years. On 2nd January last he visited Limerick and when he had his business completed he had a drink—a small whiskey. That evening he called at the house of a farmer, Mr. O'Shaughnessy, near Askeaton, where he remained an hour. He had one drink in Askeaton and later had two drinks in Foynes. He was not under the influence of drink and proceeded to go home. He remembered meeting Mr. Allen's lorry on the road; he dimmed his lights as he approached the lorry. When he arrived at his own gate he turned his car to go back into Foynes for the milk which he had forgotten. He turned on the road which was fairly wide; there was a fall from the road to the avenue leading to his house, so he could not use the gate opening to turn. He faced the car towards his own gate and backed out towards the opposite side. The rear of the car struck the fence behind a very slight dip. He then proceeded towards Foynes. He had accidentally turned off his head-lights when reversing the car, but switched them on again after going a short distance towards Foynes. He was driving at between 20 and 25 miles an hour on his correct side of the road. He found the visibility very poor. It was absolutely dark at the time and there was a ground fog which obscured his vision. The fog came in short waves across the road. As he drove along he ran into a bank of this fog and was guiding himself by the kerb on his correct side. He was very close to the kerb. When he came very near he saw a woman, nearly in front of the car, slightly on the left-hand side. He pulled out on the road and put on the brakes. The car struck the woman and threw her on to the footpath. He saw nobody else. He believed it was the side of the car struck the woman. He did not see her being struck but saw her falling. He would have seen her if the front of the car struck her. He was all the time looking towards the left hand side. After he had come into collision with the woman he stopped the car and got out through the left front door. He found the woman sitting on the footpath; she was almost lifeless. She asked him to raise her up but he could not do so. He then said he would go for the Guards. He did not recognise the woman as Mrs. Purtill at the time. He then drove into Foynes to fetch the Guards. He had not seen Mr. Purtill's body on the road.

In reply to Mr. Liston, accused said that if Mr. Purtill had come into contact with the front of the car he would have seen him. On arriving at the barracks accused said he reported the accident to Guard Hurley. He was worried and distracted and was under the impression that the woman had been seriously injured. He did not remember talking about tinkers or gypsies. He left his car outside the barracks, where he remained until about 1 o'clock next morning. He was charged next day and released. When passing through Foynes he saw his car in a garage and went in. Guards Power and Connolly were inside.

In answer to a question by the Judge, accused said he did not recover from the shock of the accident for a month.

Continuing, accused said that while in the garage he said that the mark on the vertical bar of the radiator grid was caused three months previously. He also said that the damage to the back of the car was caused the previous night when he was turning his car. He did not say this to the Guards. He was talking to himself but the Guards heard him.

ACCUSED CROSS-EXAMINED.

Cross-examined by Mr. McEnery,

CLAIM AGAINST E.S.B. Clann na h-Éireann

Injury To Workman

JUDGE AND SERVICES OF MEDICAL REFEREE

Thomas Vaughan, 1 Castleview Ave., Limerick, claimed compensation before Judge McElligott, K.C., at Limerick Circuit Court to-day, at the rate of 30/- per week in respect of an injury received while in the employment of the Electricity Supply Board on April 3rd last.

Mr. Roger Hayes, B.L. (instructed by Mr. T. O'B. Kelly, solicitor) appeared for the applicant.

Mr. Wm. Binchy, B.L. (instructed by Mr. D. J. O'Malley, solicitor) appeared for the respondents.

The applicant stated that while working for the E.S.B. as a labourer he lost a finger of his right hand. He was formerly employed as a casual labourer, and now as a result of the accident he was no longer able to do any work.

Dr. Feely said the applicant had lost the second finger of his right hand, and the third finger was stiff.

Mr. Hayes—Will it be permanently stiff?—I think so.

The chances of his being engaged by a farmer would be very small?—Yes.

THE DEFENCE.

For the defence, Dr. J. Loftus said he examined the applicant on June 13th. He found no fixity of any of the joints of the hand, and he came to the conclusion that he could take a fairly firm grip with the injured hand. He applied an electrical test and found that the muscle of the hand re-acted normally. The resistance of the hand was also very strong, and there was no inflexibility.

His Lordship said the case was one in which the E.S.B. should have requisitioned the services of the Medical Assessor.

Mr. O'Malley—Since Mr. Kelly has said nothing on that point, my Lord, I want to say that I was told by Mr. Kelly's office that he was employing the Medical Assessor.

Mr. Kelly—My client is a labouring man and could not afford to pay £3 for a Medical Assessor.

Judge—Mr. O'Malley says he was told by somebody in your office that you were employing the medical assessor.

Mr. Kelly—I don't believe he was (laughter).

CONTRADICTIONS!

Judge—You are saying now that Mr. O'Malley is telling lies (laughter).

Mr. Kelly—Nobody in my office told him that.

Judge—This is the first time for a long period that a suggestion like that has been made against a professional man before me, and I do not like it.

Mr. Kelly—Mr. O'Malley gave me to understand he was having the medical assessor.

Mr. O'Malley—As a matter of fact, I have not spoken to Mr. Kelly at all about this matter; it was to a clerk.

Mr. Kelly—Somebody is telling lies.

Judge—I do not think either of you are telling lies, but you are both in a very bad temper.

His Lordship added that he would reserve his decision. He could understand Mr. Kelly's reluctance to have the services of the medical referee, when he would have to pay three guineas for the privilege. It was monstrous that a poor labouring man could not have the services of a medical referee without having to pay that sum. It was a shocking state of affairs.

EDIFYING SIGHT

REMEMBERING THE DEAD AT ABBEYFEALE

Almost the entire congregations approached the sanctuary in Abbeyfeale Church for Holy Communion on All Saints Day and All Souls Day (writes our Abbeyfeale correspondent). A greater number than usual complied with the ordinance of the penary visits to St. Mary's Parish Church on both days in remembrance of their deceased friends.

Addressing the congregation at 12 o'clock Mass on Sunday the Rev. J. Houlihan, C.C., said it was most edifying to see so many remembering their dead. For some time past, he said, efforts had been made to get the authority responsible to provide a new cemetery for the parish, and he hoped very soon arrangements would be complete for its acquirement. When that happened it would no longer be permissible to disinter the remains of their dead from their resting places, as had so often happened amongst them because of the congestion in the old cemeteries. It would be

Le "Seán Óg."

"Anoir a cáilín agur buacáilí dá
pe in am níl coact.

So níl ádur na Clainne ar a bfuil
clú agur rnaict.

As na nioipnoicéat, léigéactai
agur tnaic na gCoirt

Máiríó nbur curó Saeridse ar
bióó agatú go epumú beact.

As epumú na mbuacáilí na Dom
nae peo caicte na cupead pín com

bpión i bfeóim le Seamus Ó Domhail
i ngeall ar bap a mácar. Do n-epo

uigeatú na n Runarúe ppióó cuise dá
inipme nó.

Tá as out ar aicró go ptaeac maic
teip an gClainneup ce nae bfuil aic

peactman caicte pap. Tá moicéúó
cicéóí peaple amac ar pín na típe

asann, ac ar a pín pan ip uile, beimó
as cuic le cabair lárúó nae Saeró

lópí na caipac peo. Seórtap bloc-
anna agur aipseatú gencí Pionmpiar

Mae Siolta Lopsaú, Raeb Deapóro,
i Lunnús.

Tá feabap mop caicte ar na cón-
eaca le beanaicte agur tá buicéacur

mop na teic pín as gábatú top na
cleacéat a bí as na páipceanna uile i

pit na peactmame. Ar an cleacéat a
beasann an foitium agur tá pe an

lábaerac go mbeatú tuic na cón-
eac go teip i lárúó as a cleacéat peimé

agur go póp a cécúe beóó bhuicéacur
agur epumneap as coact pan amán

aribeact agur beóó ar ap seumap a
pao go bpoanahat nae poptup buicéac

caic ar cón Clain na h-Éireann i
Lunnús. Clóipm go bfuil gannanap

"poppanap" pa cón. Do beatú an
pmpupécom, Dpian Ó Seagóa, Q.S.—

an buicéac nae am caicm go bfuil gú-
te'n emeal pín aic, ceact eugámm

agur beic páipceac pa beact obap.

As an nioipnoicéat (Ce seup ar
peap, bean no ppe) na labap ppió-
piap bí Dpian agur Cáic bí Mpsóla

gám ar pín na muatú. Feabap Caic
Ó Saillacabap agur Spáimne bí Maot-

muic nae commb ar pín an ppe. Ip
bpeas an puo e le peicéat go bfuil

an oipéat pap caicm as ceacme
páipceanna pna nioipnoicéat ppep

caic a peo. Tá púil agam go leapóóó
piatú teip peo agur nae ceppióó apam

oipéat buicéap na Clainne a cón
tionaó.

So áóóap na nioipnoicéat nae
Luam pe eugámm ar a naó a cloc nae:

"An ceact cois a cup ar muatú i
bpoptama ppublíóe." Siat na ppióó

caimceóip ná: Seamus Ó Cmpioe,
Mápe bí Siollagám, Pámpus Ó M-

muatú, Mápe bí Pionmpuacám, Cáic
bí Caup agur Mae bí Coiteap.

Mop a buicéat ceana beóó ppióó com
páitce i gcomnuicéat póm baill nae. Níl

act son maicéat amán le comtionaó, pe
pín Saerólunn a labap in gáic áic

agur ar gac ocaóó ip peitup.

Diom peómpa an buicéat cuicéat op
gáitce gac tráicóna agur oíóe agur

naic an leanoige buicéat com maic.
Beóó cleacéatú top na nioipnoicéat gac

oíóe Luam, cleacéatú top na "com-
páitop" gac oíóe Ceanaom agur

ben coip ar pao ar oíóe an Coim.

OBITUARY

MR. LAWRENCE WHELAN.

The death of Mr. Lawrence Whelan, ex-R.I.C., at 20 Donnellan's Villas, Prospect, Limerick, was deeply regretted by his many relatives and friends. The funeral took place on Monday, October 28th, from St. Michael's Church to Mount St. Lawrence Cemetery.

The chief mourners were—Mrs. Whelan (widow), John Joe and Foney (sons), Noreen, Maura, Nancy, Bernice, Rita, Cora (daughters), Mrs. Slattery (sister), P. Skehan (brother-in-law), Mrs. Conway, Mrs. Skehan (sisters-in-law), Rev. Jerm. Skehan, M.A.; J. J. Skehan, J. Angley (nephews), Maytha and Anna Slattery, Nonie, Mai and Bridie Skehan, Mrs. Reyner, Mrs. O'Sullivan, Mrs. Angley and Nancy (nieces).

Mass cards were received from the following:—His sorrowing wife and family; Mrs. Slattery and family; Skehan family, Aberina; Sam and Bridie Reyner; Mick