

Manslaughter Charge

A National Teacher's Death

Evidence At Rathfriland Court

At a Special Court in Rathfriland, before Mr O'S Keogh, J. C.,

Michael J O'Leary, Leabhar, Foyens, was charged with the manslaughter of William Partill, ex-S. L. Foyens by knocking him down with a motor car on last January last.

Mr J J Power, State Solicitor (assisted by Capt J Kelly, Garda Stobara, Newcastle West) prosecuted; Mr T E Luton, J. C. (assisted by Messrs P T Luton, solicitor for the defendant; Mr C Treacy, solicitor, for the next of kin, and Mr T E O'Donnell, solicitor, held a watching brief in behalf of an interested party.

Serge O'Shea, Foyens, deposed that at about 8 p.m. on the date in question, in consequence of a report he received he went to Longwood, about a mile at the Glas side of Foyens. About 20 feet from deceased's body he found a witness in a kneeling position at the outer edge of the footpath. He identified her as Mrs Partill, wife of the deceased, who appeared to be injured. Witness had Mrs Partill placed on a car and conveyed to her residence in Foyens. At a point some feet from where he found Mrs Partill witness found a walking stick embedded in a tyre track. Six feet further on he found a gnat's horn hat. The hat was embedded in the mud and appeared to have been rolled over by a motor wheel. The full width of the road from the kerb to the grass margin was 22 feet, and including the grass margins the road was 32 feet wide.

Witness continuing, said he was present at Foyens barracks when Dr Nolan examined the accused, who appeared to have drunk whisky. Witness also examined the accused's car and found the front radiator grill broken. The back number plate was pressed in towards the body of the car.

Dr J McCreck, State Pathologist, gave evidence of having carried out an examination of traces of hair and mud stained with blood, stated to have been found on the road and on the accused's car.

Inspector W Beall said that when he arrived at Foyens barracks accused was present after the accident. From witness's observations he concluded that Mr O'Leary was under the influence of drink. When asked if he had been involved in an accident accused said: "I have come to report one." Witness asked for particulars, but accused seemed to be too worried and spent to do so. Witness then told accused that he would arrest him for driving, or attempting to drive, a car while drunk. Accused replied that he should see a solicitor before making any statement. When told he could have a doctor Mr O'Leary refused to answer one. Witness then contacted Dr Nolan, who examined the accused about 1.30 p.m.

Guard T Power, Newcastle West, produced marks of the tyre tracks and other marks on the road at the scene of the accident. When witness and Guard Connolly were subsequently examining the car accused stated the sign on the right rear tyre indicated was correct when he was turning the car to come back to report the accident. Accused then added—"I was a damn fool to report it at all as I will be charged with it now," and he also said—"I will kill Mr Partill, no matter what people say." Accused had some drink taken.

Detective-Inspector M Hogan, official photographer, Garda Headquarters, produced photographs of the scene of the accident and the car.

John Allen, Bonfiglio, an employee of Lamb Ball, Ltd. deposed when approaching Foyens from the Glas side about 8.30 he passed accused who was driving in the Glas direction. Accused was travelling at 30 or 25 miles an hour on his correct side. At a bend on the road witness met Mr and Mrs Partill walking on the correct side of the road.

James Eilton, South Quay, Foyens, said when cycling home at about 8.30 p.m. on the evening in question he saw Mr and Mrs Partill at Longwood walking in the Foyens direction. As witness approached he heard a bang in the Glas direction and just beside accused's wicket gate he saw a motor car backed across the road. Mr O'Leary, who was driving the car, then crossed to his own side and turned off in the direction of Foyens.

Dr Agnes Nolan, Matherghlin, deposed that shortly after six she was returning towards Foyens when she was stopped by a man named Breehy. When she got out of the car she saw Mrs Partill lying on the left hand side of the road. Mrs Partill was bleeding and pale to witness. Witness then saw something like a heap on the road further on towards Foyens and it turned out to be the dead body of Mr Partill. Witness subsequently carried out a post mortem. The post-mortem revealed that all the injuries were due to extensive violence and were consistent with having been struck or knocked down by a motor car. On the same evening she examined and tested accused as to his condition at Foyens at the request of Inspector Beall. She formed the opinion that accused had drunk whisky, but was not incapable of driving a car.

John Breehy, Foyens, said that on the night in question about 8.10 he was driving to Foyens and when about a mile from the town he was signalled to stop by O'Shea and Mrs O'Leary. Dr Nolan then came on the scene. The night was dark and starry; there was no fog and the road was dry and safe.

David Ryan, O'Connell street, Liverpool, stated that on the day of the accident at 1.40 p.m. accused had a glass and a half of whiskey in his father's licensed premises. The further hearing was adjourned until May 7th.