

Mr. Cussen said no such interference was intended but defendant still believed, and was supported by 3 substantial witnesses in the belief that he was on the correct side of the road when the accident occurred. His trap had been destroyed as a result of the accident, and one of the passengers in the trap sustained a broken rib.

The Justice fined defendant 10/-.

The Justice further adjourned the case in which Thomas Mullally, Feenagh, summoned Guards Kenny and Carney, Kilmeady, for alleged assault.

Mr. J. J. Power, solicitor, is for defendants and Mr. O. Binchy, solicitor, for the plaintiff.

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### DEATH.

**AIREY**—On November 27, 1945, at her residence, 17 Wolfe Tone St., Limerick, Catherine Airey, mother of Mrs. Jane McCarthy, Organist, Augustinian Church, Limerick. Requiem Mass at St. Michael's Church on to-morrow (Thursday) morning at 10 o'clock. Funeral to Mount St. Lawrence Cemetery at 3 o'clock.

fatal injuries sustained by the horse. The minimum value of the horse was estimated at £25.

Mr. Kenny submitted that under the Summary Jurisdiction Ireland Act defendants' servant was guilty of an offence when he had not the direction of the horse under his control. A breach of duty cast upon a person by a criminal statute was sufficient to constitute negligence.

Mr. McMahon argued that the horse did not move out until it was frightened by the lamps of the car. He also held that there was no evidence of negligence on the part of the defendants' servant. The fact that he had not a light was not negligence.

Mr. Kenny replied that defendants were guilty of a breach of statutory duty and that was sufficient to constitute negligence.

Mr. McMahon held that failure to take precautions was not a breach of duty in common law.

Having heard further legal argument,

### IMPORTANT LAW POINT.

The Judge said he was satisfied as