In County Limerick Murder Charge

HOW GARDA MET HIS DEATH

Taking Of Depositions To-Day

distriy left of the hammer.

HOLE IN THE GROUND.

I observed two heles on the left

THE STATEMENT

ting used to doing it here."

I said: 'I think the same thing

At a special sitting of Limerick, ded to its full limit and lying about a.m. District Court, before Mr. J. M. forty-five degrees to the body. The Flood, R.L., D.J., this morning, the left leg was in a straight line with taking of depositions began in a the body; the left shoulder was charge against Daniel Joseph Duff, blightly raised, a member of the Garda Slochana, galin downwards, rested on the stationed at Pallasgreen, Co. Lime-fork of the trousers, rick, of the wilful murder of Garda knee was slightly bent outwards; James Byrne at Mount Catherine, the heel of the right shoe, touched tions after it. Pallasgrean, on September 25th the left leg a bit above the ankle. There was a torch (produced)

began, the Justice allowed the of the deceased, on the ground beaccused to sit beside Mr. Martin tween his legs. A walking stick, Typan, solicitor, who is defending, which I identify as that of deceased, original charge to read: Wilfully, trousers I would his official re- existing

MAPS PRODUCED. Garda William J. Quillan, of Supt. Danning continued that

Pechnical Department of Garda when the body was removed from Headquarters, Dublin, deposed that the position in which it lay, Detecon September 26th last, with Detective-Sergeant Murphy, who had tive Sergt, Murphy and Detective arrived from Limerick, drew his Garda Horgan, he visited the farm attention to a hole in the ground of Richard J. Kennedy at Mount where decensed's back had been won't grant it. Pallasgreen, for the As far as witness could see, this hood of the killing of Garda James a spent bullet from this hole. Byrne on the previous day. One fourteen feet high, entering Mr. orchard and the public road is a Byrnes Mr. Kennedy's home to the Garda accused. Barracks at Pallas was approxi-did, at Mount Catherine, Pallas- well conducted. mately three-quarters of a mile, green, on 25 9 46, felonously and Supt. McKenna-I would like to

A larger map submitted by Garda writing and may be given in I won't grant any further licences showed Mr. Ken- evidence. nedy's orchard and locality. This dictated a statement to me which map showed that the house of a I wrote down. postman named O'Donnell, was 933 yards from Kennedy's orchard. The house of Mr. Coffey, on the Inspector Byrnes and then signed main Tipperary road, was about by accused. It was as followed point on the Nicker thought. I will make a statement.

from another position, of the bend we met Jerry Coffey, with a pear tree standing near a white paper put there by Detective

RELATIONS APPEARED TO BE the house thatched outside.

lands of Mr. Richard J. Kennedy under a sergeant were within his district. Since 1943 of trouble arising out of a that it was alright when you be James Byrne had been allocated to 'You seem to be a long time get land dispute. The deceased Garda by the accused. Witness frequently could apply to you. But, of course posts at Mount Catherine, and the Superintendent on your side.

11 o'clock. Witness last saw them got the rest of the conversation in at their posts together at 1.45 p.m. tember 24th at about 2 o'clock p.m. duty whenever he liked. But if he inspected the official revolvers stepped out of turn even once I and ammunition allocated to ac- never heard the end of it from Earlier him and I also said that I thought cused and Garda Byrne. that day he had instructed the two he was telling the Supt. about had each 24 rounds of ammunition. These guns were in deceased's and We had reached the yard at the ordered the cartridges to be confisaccused's personal custody since side of O'Kennedy's house at this they took on the special duty. Each time, and he wanted to go into the gun had a six-chambered magazine, loft to sleep, and he told me to that the chamber to the left thirsty and that I was going out to Each gun had a serial number. September 26th last he was awakened at 12.10 a.m. in his high shed and I said that I could official quarters at the Garda Sta- not

tion. He entered the day-room five would be contrary. minutes later and saw accused sit-"I COULDN'T HELP IT.

he hammer ; the other to the right in derision. I told you before what The next chamer to the right was empty, and attempted to strike me: then there were three live cart-

The Superintendent continued mayement for the right hand overthat he immediately proceeded to coat pocket where I knew he car-arctic bir. Kennedy's place, accompanied ried his gun, as the Guard had pre-which the immediately proceeded to the first state of the grade and Garda Mr. Kennedy's place, accomposing to the grade and Garda Mulrooney Mr. Kennedy's place, accomposing to the grade and Garda Mulrooney Mr. Kennedy led him to the milk production of a law to the production of the grade and the work of Garda Byrne was lying; if was then 1245 arm least the very woman in the back about five yards of the pear-tree and the head of the south save to south save to the south save to the

BANKERS' DANCE

Occasional Licence Application

ATTITUDE OF GARDA AUTHORITIES

At Newcastle West District Court efore Mr. C. S. Kenny, B.L., D.J., Mr. R. J. Cussen, solr., on behalf of the Newcastle West Branch of applied for an occasional intoxicating liquor licence on the occasion of the bankers' dance on the

it to be taken as a precedent,

He also allowed Mr. J. J. Power, was on the ground beside the left feeling that some facilities should beautiful views in Stockholm. The right-band pocket of his of this nature, having regard to the which are owned by the Municipaloriginal charge did not bear the couply chamber was the one name- makes the duties of the Guards coach-tram with morning. properly and well conducted, as the an empty weight of 17 tons,

will be responsible for it. cation, and if the Guards object I for dense inner-town traffic

an application has come up here.

if an undertaking was given that it step on and step off. "At 11 n.m. on September 26th, in would be properly conducted. Between the the presence of Inspector William Mr. Cussen It must be. This is the driver by means of loud speak-Sergt, a very onerous business the pro- ers, and the passenger himself

travelling by the main road and with malice aforethought, kill and make it clear that this is not to be est to mention that the ventilation slay one James Byrne. I said: taken as a precedent in regard to The mark on the ground pointed You need not say anything unless similar applications in the future. out to witness by Sergeant Murphy you wish to do so, but whatever Justice-I will grant the licence in was 132 feet from the public road. you do say will be taken down in this case from 10 p.m. to 2 a.m. but The accused then of this kind if the Guards object.

"KING OF CONNEMARA"

(To the Editor, "Limerick Leader,") Sir. Readers of your journal man named McCarthy, to Mr. Ken-house. After leaving the dayroom House of Commons in 1809, who ino'clock from Sergeant Kelleher's Richard Martin, M.P., in the British troduced the first Cruelty to Animals was defeated. Mr. Martin, who represented Castlebar in Parliament,

and we stood talking to him for "If you were helped in its formation. Tom Moore, Kennedy and his lands had been really meant. I said I would not wilds of Connemara." Martin was mind doing night duty any place; known as "Humanity Martin. JAMES GLEESON

ILLEGAL POSSESSION OF CARTRIDGES

Before Mr. C. S. Kenny, B.L. D.J., at Charleville Court on Tues-

Michael Carroll, junr., Newtown-

Mr. Binchy, solicitor, defended. Garda Dowling said that when questioned, defendant said he got of the them from a client but did not tell

the name of the person. Mr. Binchy said the defendant who was well conducted, had since

The Justice dismissed the 'case and we began to abuse each other, under the Probation Act, and

DEATH OF MISS LUCY

of Miss Lucy O'Brien, daughter of demise of this young lady, followfound shock not only to the family friends. She was held in affectionate regard by her acquaint ances, and her premature death has High Mass, to Mount St. Lawrence Cemetery was one of the largest seen passing through the city for many years. The cortege was of immense proportions, being over a mile in length. I would

SILK STOCKINGS AS CLIMATE

The Swedish climate is not so

MONSTER TRAMS

Space For 104 **Passengers**

SWEDISH CAPITAL TRAFFIC PROBLEM

The Swedish Capital (Stockholm) is growing very quickly, the number of inhabitants having the Irish Bank Officials Association, applied for an occasional intoxicaexpansion tsays "Swedish News," December next, from 10 p.m. to 3 in Dublin) has given rise to considerable differential that an application of this nature was unusual in the district, and if it were granted he would not like have, therefore, had to take farreaching measures to cope with were represented by Mr. M. J. K. whom reside in Ennis. Better in-Justice—The danger is that if this the problems. A 7-mile under-Dore, solicitor, application goes through there may ground line is at present being be an avalanche of similar applica-built connecting the northern and Mr. Cussen-If this goes through over, a temporary bridge is being Before the taking of depositions which I identified as the property if there is the slightest upset I take each of the deceased on the ground here. The it the Superintendent will vigor-building of this bridge has led to ously oppose any further applica- much criticism, as it threatens to tions of the same kind. There is a spoil considerably one of the most

felonously, and with malice afore- volver with the numbers of people come from modernized. Quite recently a new licensing laws. Large ity, are also being extended and is so much in favour of the appli- which makes it particularly suit d for convenience.

purpose of preparing and making hole was perpendicular. He saw this kind are granted in other senger accommodation consists of Supt. McKenna-Applications of and tastefully designed. The pastenant and become a yearly tenant? a map of the scene and neighbour. Detective Sergeant Murphy remove places, but this is the first time such two rows of chairs on the one side tenant. and one row on the other, with map showed, on a large scale, air, side of deceased's great coat and legal right under the Constitution. sengers in the middle and on the Kennedy's garden and orchard. Two corresponding holes on the left Justice I will grant the application. The driver is seated for a half-year's rent. orchard, a pear tree eighteen and body was moved the ground was Supt. McKenna said he would not trams are thus intended to go a half feet from a mark on the marked with a spade to show its oppose the application if the hours round in a loop at the termini. ground pointed out to him by position. The night was dork and of the occasional liquor Beence were There are six pneumatically opera-Detective Sergt, Murphy. The man dry, with a breeze from the south- reduced to from 10 to 2 a.m., and ted doors, which allow of a quick

fruit garden. The distance from Michael Mufphy, I arrested the moters of the dance are taking on gives the step-off signal, which automatically lights a sign "stops" for the information of the other est to mention that the ventilation system effects a complete change of air every second minute. So far twenty such trams have

been put into traffle. They have been built jointly by the ASEA Company and the General Motors Nordiska AB, in Stockholm, and HUMANITY MARTIN the cost is stated to be about 140,000 kroner (£9,650) a piece. Another 50 are in the course of delivery as well as 20 more built by the Hagglund and Soner, and for which light alloys have been used to a very large extent.

STRUCK IN FACE

AND HER HANDBAG TAKEN

While walking along the North Circular Road towards the city on Saturday night, a young lady was accosted by a man who, evidently,

Having kept pace with his intended victim for a short distance, and observing nobody in sight, he struck her full in the face with his clenched fist. As a result of the she dropped her handbag. thief grabbed the bag and made off. It contained a gold watch and some cash, not a very considerable sum.

When she had recovered from the effects of the blow, she made her way to a house and the Guards were notified immediately of the In the meantime the authorities

are investigating the outrage and developments are expected.

MORE NEW SHIPS

FOR OUR MERCANTILE MARINE

ships will be built for Irish Shipand Co., West Hartlepool. Delivery three ships is expected towards the end of 1947 and the will be 2,000 tons, and a 9,000 ton excellent character.

Shields, for two 7,500 ton vessels. Negotiations, too, are still proceedng for the purchase American war-built ships.

PILOTS ON STRIKE

T.W.A. 'PLANES HELD UP

pay the movement of all T.W.A. New placs has been held up. One T.W.A. plane arrived at 50,000 Rineanna this morning, but her Altogether 38

indefinitely. T.W.A. officials at the Shannon

official information concerning the United States, which is expected at any moment. It would appear that load of hides in Cork on Friday, in Dublin during the week-end on I.W.A. is the only company affec-

MILK PRODUCTION AND

ied out in Sweden in relation to has been found that heredity sets arctic as is commonly believed limit to the milk production of

TENANCY ACTION

Point In Possession Case

DISTRICT JUSTICE GIVES DECISION

The case was an adjourned one in Honan presiding, and a request which Thomas O'Connell, Main St., made to the Clare Co. Council to .mpublished by the Swedish Legation Glin, brought, ejectment proceed prove these conditions (writes our ings against the representatives Ennis correspondent). erable difficulties in the street of the late Michael Holly, in re-Supt. McKenna, G.S., remarked traffic, especially since the war, spect of a dwelling at The Ter- J. Degnan, who moved that the Supt. McKenna, G.S., remarked traffic, especially since the war, race, Glin, let to deceased at a attention of the County Council be

> been adjourned from the previous tional hose, etc. At present nine be excused meaning that ence regarding a point raised by

Patrick King, an employee of on call at night, He instanced the Messrs, Welply & Sons, house agents, Limerick, produced the original rental, as taken over from for the town were it not for the the Knight of Glin 25 years ago, in efforts of the Brigade. which no reference was made in the Brigade members received the The was loaded in the chambers; the several outlying districts and it and interesting type of single. Its to the late Wishest accommodation to the tenancy of the late Michael fire-fighting and some of them had difficult into the small hours of the for no less than 104 passengers was Holly. Witness also produced the been drenched to the skin with If there is a licence put into service. The tram has a original rental in which the name of water. These men returned to their had no objection to dancing with attatched to the dance it will be length of 14.20 metres (52.6) and deceased appeared as a weekly homes at 7 a.m., changed their him, It tenant. Deceased, witness added, clothes, and had to resume their Mr. Cussen Dunworth's evidence the people who are running the dance has no trailer and the four 70 h.p. sometimes paid the weekly rent at ordinary duties as road workers at will be that this girl didn't want mythology. motors give it a quick acceleration intervals of 20 or 30 weeks, and it 8 a.m.; otherwise payment for time to dance with you; That is not Justice I don't know that there (max. speed 60 kilometres p.h.), was accepted from him in that form lost would not be made at the end right.

Mr. Dore When did the late The interior is very comfortable Michael Holly cease to be a weekly

of receipts issued to deceased, which the first hour of fire-fighting and you mean by saying I was not rough weather on the face of them were receipts 5/- for each succeeding hour,

make the deceased a yearly tenant, of the Fire Brigade; also that the for half-yearly rents going back for year and that the men be supplied lady? Not at all. I had no object as the symbol of nine years, and there is no mention with protective clothing s milar to tion. If the lady told me go away receipts of a weekly that of the Limerick Fire Brigade I would have gone, but it wasn't

Witness explained that the issue of the receipts in this form must fighting operations. have been due to an "office mistake." Mr. Dore-If it is a mistake it

must have been going on for ten Justice-Everyone can make mis-Mr. Gaffney said he had produced

the original rental, in which it was for his loss of business. clearly set out that deceased was a The Justice, giving his decision, for the night being fine. remarked that it was a nice case The Council agreed that with .. e for argument. However, he would equipment at their disposal the Fire on the occasion in questi hold on the evidence that the ten-

would accordingly give a decree for

INDUSTRY PROJECT

DEEP CONCERN AT SALE HOLD-UP

Chairman, presiding, the question the establishing of the new motor assembly works in Limerick was discussed.

Deep concern, says a supplied report, was felt at the hold-up in correspondent), it was decided to the sale of property to the pro- acquire land at Cloughleigh for the moters, and in view of the difficulty building of houses for the working that parents had in placing their classes, pending development of children in employment it was felt site at Hermitage, on which forty that it would be a grievous loss to more houses will be built, and for the city if any difficulty over the which a grant for 15,000 is available sale of the property should be the for development purposes, cause of transferring the project. It was also decided to instruct

It was agreed to get in touch with expedite extension of the Borough he Chairman of the Chamber of Boundary to enable sites to be accommerce asking that body to give quired for persons desirous of buildthe matter its immediate attention.

RACE DAY" WHISKEY BLAMED FOR ASSAULT ON

John O'Brien, Pound St., Kilrush,

was fined 40/- for an assault on Garda Hynes, and 20/- for being the Order of the Faithful Com- ted and ordered to be cent to the drunk and disorderly. fended, said O'Brien must have got N.T., Castletown, has just secured

'bad' whiskey as it was race day, The Justice asked Supt. Dawson of the Convent, F.C.J., Bunclody, to investigate this plea of "bad" Co. Wexford, and prior to entering

or six cases in the county-one in in French at the Leaving Certificate and it will be missed very much by Readhead and Sons, South Ennis and two in Kilrush. of whiskey were taken occasionally Dublin, for the past two years, and hope that the County Technical

always found up to standard. He could not account for this plea of bad" whiskey, but would have the

BUSY DAY AT SHANNON

passengers and took a total of terday, P. V. Guiney retained his gallons of aviation spirit, all-round machines either title for the fourth time. For flight to Europe has been delayed arrived or left during the day. which was one of the busiest yet experienced at the Airport.

HORSE DROWNED

backed through the chains at Mer- New Orleans. Quay and into the river, the port included the Sarois, with The driver jumped to safety in 700 tons of wines from Spain and time, but the horse was drowned. 3,300 GUINEAS FOR YEARLING

At Newmarket Bloodstock Sales

DIED AT THE WHEEL

INCREASED PAY BLOW ON THE FACE

Members

CASE FOR IMPROVED

EQUIPMENT

praise was

LAND FOR HOUSES

ENNIS URBAN COUNCIL

DECISIONS

At a special meeting of the Ennis

Orban Council (writes our Ennis

Mr. F. Gibney, Town Planner, to

Urged For Brigade Incident At "Excuse-Me" Dance

ACTION FOR ASSAULT

At Rathkenle Court, before Dis-An interesting point in a house possession case was raised before District Justice C. S. Kehny, B.L., were discussed at a meeting of the Were discussed at a meeting of the Worth, Kilmihili, Ballingarry, for published in Council Senator T. V. with his clenched fist at O Shea's Dance Hall in Ballingarry on 8-9th dogs

Liston & Co., solrs.) appeared for meteorologist. plaintiff, and defendant was repres why the cats : sented by Mr. M. E. Cussen, soir, directed to the necessity for the Mr. N. Gaffney, solicitor, ap- payment of increased remuneration at a dance at O'Shea's Hall in Bal- lost in obscurit peared for plaintiff and defendants to the Fire Brigade members, all of lingarry. When an fighting equipment, he said, was Mr. Gaffney said the case had also needed in the form of addi-dancing with a lady, and asked to southern parts of the city. More-Court for the production of evid-members of this Brigade were paid worth should hand over his partner at the rate of 2/6 for the first hour as was the custom in these dance

Mr. Dore as to whether the tend-ency was a weekly or half yearly fit fis, every three months for being it was an "excuse-me case of a recent fire which had been face with his elenched fist and called successfully subdued and migat him names. have had disastrous consequences assault witness had to be treated by a doctor. There could be no mi: The take on the occasion about the dance being an "excuse-me " dance

WITNESS CROSS-EXAMINED. Cross-examined by Mr. Cussen

of the week. Such conditions of And he will say that you per-fluence on the employment were not fair to a body sisted in excusing yourself to him deed,

of willing workers, who when although you were not wanted? called up often risked life and limb That is not so. He never ceased to be a weekly He suggested that the Co. Council deliberately in excusing yourself, WHAT SAILOR he asked to increase the rate of especially to Dunworth, although remuneration to 10/- per hour for you were not wanted :- What do

pay- wanted, ment to be made on the certificate Mr. Gaffney-But that did not of the Co. Engineer or the Captain The lady was a friend of mine: That the lady didn't want you? Mr. Dore-I will hand in receipts retainer be increased to I10 per because he was dancing with this European country

> and allowed time off with pay for Dunworth's place to tell me. the hours spent at night on are- Guard Dowling, who was on duty presumably, froat the dance, said he received a have got the Mr. O. Linnane seconded and said complaint from plaintiff, who said proper fire-fighting equipment defendant struck him in the 'ye. should be provided; otherwise it Defendant admitted he struck "learned preser was ridiculous paying for any Fire plaintiff. Brigade. The property of the rate- Mr. Noonan said the lady in the

> payers should be adequately pro- case was now in England but be tected against fire and the fact that had a statement from her. a man got paid insurance fr Mr. Cussen I must object to the will be able to p damage was really no compensation production of such a statement, as intelligent, if On the it is not evidence. Defendant's call occasion of the recent fire they is that if he did strike plaintiff it planation for t would have had a holocaust only was under grave provocation.

> DEFENDANT'S EVIDENCE. Defendant, in evidence, said that checking the fire at the recent out- "It was an excuse break, and decided to put before alright, plaintiff continued, the County Council the suggestions Moloney came up and excused me, ducts but I told him there was nothing given to doing. I was still dancing with the Messrs, M. Sheridan, R. Burns on girl and he would not let me pass, J. Singleton for voluntary work so I shoved him back. He came out in 1939, it i done in connection with the fire. back again and I gave him a top all the

> > Defendant added that plaintiff or occasion was looking out for through an argument with witness because hey were not on friendly terms. Mr. Noonan Have you a reputation as a pugitist in Ballingarry? o hold my own.

Were you refused admission to the hall at one time on the order Remarking that it was a clear ease of assault, the Justice fined defendant f1 with f2 costs.

TECHNICAL SCHOOL

CHARLEVILLE REQUEST

fown and District Improvements houses under the Small Committee, Mr. Owen S. Binchy Dwellings Act, for which a loan of presiding.

recent removal of the equipment quirement of sites at Clonroad and for the technical classes from the in the vicinity of the Railway Sta- town and the necessity of having a tion, where water, sewerage and technical school.

Mr. O'Riordan said they should get in touch with Canon Sheedy DEGREE FOR CO. LIMERICK and other members of the Count

resolution was proposed and adenpanions of Jesus-second daughter County Technical Commistee, v.z. of Mr. J. Daly, P.C., and Mrs. Daly, her B.A. Degree with first class honours (writes our Ballyagran correspondent). She is a past pupil town. This class was always well attended, to such an extent that whiskey, as it was offered in five the Order got first place in Ireland there has often been a waiting list, Examination. She had been attenu- the youth of the town. The Com-Supt. Dawson said that samples ing lectures at University College, mittee, therefore, expresses the Broadstairs, Kent. A brother of doing so, Furthermore, as one Sister Augustine, Rev. Dominic the principal objectives of this merely returned Daly, O.S.A., is studying for the Committee is the establishment of for a priesthood at the Augustinian a Technical School in this town it Priory, John's Lane, Dublin, and is is hoped that the County Commitdue for ordination early next year, tee may find itself able to collaborate in every way possible towards its return, as it would be of ALL-ROUND CHAMPIONSHIP

he utmost benefit to the locality. DEATH OF MRS. MARY

spected husband, who was High gold star of mer road in Bristol early yesterday Sheriff of the city for a period;

After a discussion the following

and pulled up violently against the her son, Mr. Michael F. Roche, ges his enerous a kerb. When a passer by investi- Chairman, Limerick Race Co., and in a thorough,