

CEMETERY MEMORIAL BADLY DAMAGED

Important Claim Before Circuit Judge

RECOVERY OF FAMOUS LIMERICK GRAVEYARD

Interesting Legal Submissions

...ent alleged malicious ... the Dean Shanahan ... in Mount St. Lawrence ... Limerick, was the sub- ... resting legal submissions ... liability, when, at the ... Circuit Court on Friday, ... es of the cemetery ... 00 damages against the ... o. Council and Limerick ... The claim was made ... es of Very Rev. Michael ... Very Rev. John Brassil, ... James Cowper and Very ... am P. Harty, and the ... in respect of estimated ... ined by the alleged ... jury to the monument. ... anaher, B.L. (instructed ... David Fitzgerald, solr.), ... or the applicants; Mr. ... B.L. (instructed by Mr. ... ullivan, solr.), appeared ... Council; and the Cor- ... e represented by Mr. ... nchy, B.L. (instructed by ... ndon, solr.).

VE LESSEES.
...her explained that by a ... ril 10, 1856, the lands ... uting the cemetery were ... five lessees, who ... ymen, for a term ... ousand years, at a ... f 15. The covenant ... of the lessees was to ... demised lands with a ... build an entrance lodge ... were to be used as a ... By an agreement be- ... essees and the Limerick ... the lessees covenanted ... e Corporation to carry ... tutory obligation by ... her authority to bury ... ople of Limerick, who ... thin the city boundary, ... ery. This practice was ... continue.

... for the demised lands ... ed as well as the terms ... and the trust instru- ... 3 provided that Priests ... hes in the city should ... es of the lease and the ... of successors to the ... es occurred when one ... es either died or left ... e fact that the present ... successors of the origi- ... was not disputed by ... ounty Council or Cor- ... e last appointment of ... urred on September

NEXT STEP.
...step in the history of ... Lawrence Cemetery was ... deed of trust of Octo- ... 2, by the then trustees ... oration. This repeated ... the lease of 1856 and ... e Corporation—with ... of the Bishop of Lime- ... the poor of the city ... ery, and under that ... Corporation were to ... ces £30 a year. The ... anted to keep up, em- ... ainain the cemetery. ... 12, 1882, the interests ... ation in the lands was ... eyance of that date. ... 3rd, 1883, a deed of ... was executed by the ... Fitzgerald, one of the ... he first part, by the ... uestees, in the second ... Mr. Thomas Hugh ... e third part, whereby ... e interest was con- ... r. Kenny to the use ... for the purpose of

FEE SIMPLE WITH RESTRICTED COVENANT.
Witness said, in reply to his Lordship, that the purchaser of a burial plot bought the fee simple of the plot, with a restricted covenant, that the plot would not be used except for burial purposes, and the right to erect a monument provided the plans were submitted to and were not reasonably rejected by the trustees.

To Mr. Kenny, witness said that Father Denis Shanahan provided the money for erection of the monument. The cemetery was beside the Limerick Mental Hospital. The records of the cemetery did not show any previous damage. Witness agreed that the Shanahan family were held in high esteem. The damage to the monument had been caused by a number of blows.

ENGINEER'S EVIDENCE.
R. de Courcy, engineer, produced a map showing the cemetery and indicating the monument, the principal features of which were marble busts. The monument was 18' 6" high and was square. It was made of limestone, with pillars of granite and plaques of marble. The plaques were set into the limestone with cement. The enclosing wall was of stone. He didn't see any place where a person might get in. On the main roadside the wall was 7 feet high. Along a bye-road, off the main road, although the wall was 6' 9" on the outside, inside the land was high, bringing the height of the wall on the inside down to over 4 feet.

Rev. Patrick Lee, P.P., St. Mary's, said the late Father Denis Shanahan was his predecessor. Early on August 24th he had occasion to visit the cemetery and there was then nothing wrong with the monument. Later he saw the monument and found the crown of the head, the nose and chin on the plaque of the late Dean were badly damaged. On September 4th he saw the two other busts damaged in the same way.

NOT AWARE OF ANY MALICE.
Cross examined by Mr. Kenny, Father Lee said that on the first occasion the bust of the Dean had been damaged. At no time had the bust of St. Munchin suffered. Witness was not aware of any malice towards the three deceased priests. Thomas Keyes, sexton, said that he had superintended the erection of the monument. He first noticed the damage to the monument on Friday, August 30th. He reported the damage to the Secretary and the Guards visited the cemetery on the following Monday.

On the morning of September 5th he saw that the busts of Father Gerald and Father Denis Shanahan had been damaged in the same way as that of the Dean had already suffered.

Thomas Quin, monumental sculptor, said the plaques were set into the stone. To remove them the marble would have to be cut around the busts. To replace the old plaques, the new ones would have to be copied from the old by a Dublin sculptor at a cost of £50 each.

Sergeant Michael Farrell said he had made inquiries as to the cause of the damage. He was unable to say how it had come about. Inquiries at the Mental Hospital intimated that none of the inmates was missing at the estimated time.

A GREAT WORKER

The Late P. J. Leahy, Hospital

SPECIAL APPRECIATION

At a special meeting held in the National Headquarters of Muintir na Tire a resolution was passed expressing sympathy on behalf of the National Executive to Mrs. Leahy and family on the death of her husband.

It was felt (writes a special correspondent) that the death of P. J. Leahy was not merely a loss to the Hospital Guild, but to the whole Organisation. Muintir na Tire has lost a sincere friend and a most capable worker, but P. J. Leahy's unselfish labour will still be a guide to every Guild in Ireland.

He certainly was a true blue, a genuine disciple, who did the work not for any earthly gain (because he got none) or motive. He was a highly spiritual man at heart. He did not believe in ostentation or frills.

The life of the Guild in Hospital to-day owes its vitality to its late secretary. Never would he miss a meeting and this constant, painstaking work of a secretary is the secret of the success of any movement, and especially of Muintir na Tire.

He was deeply interested in every phase of the Guild. Tied to no section, yet all sections were his. In the working of the plot schemes he was interested in the poorest as well as the richest. The scheme was worked so perfectly and yet so apparently easy that people began to take it for granted, yet to one who knows there was a colossal amount of work in it. I need not add that patience—aye, infinite patience—was needed. Pat seemed to have that, too. In the filling in of every form he still retained his pedagogical talents.

The show, which has become famous, was run very smoothly, but every form, every poster, every catalogue bore a name, "P. J. Leahy," which was the brains behind all these events. His gentle, smiling face, his broad shoulders, bore every incident in the same cool, calm, placid manner. No matter how silly the question, no matter how unreasonable the hour or the demand, no matter how harsh the criticism, no matter how high the praise, Pat Leahy received all alike.

The poor will miss him at Christmas, for he had a perfect system all his own whereby he disbursed the poor fund to none but the deserving needy.

In every activity promoted by the Guild the name "Pat Leahy" was no mere ornament. It was a living active personality that carried to success every undertaking—cleaning Ballinamon Graveyard, drainage schemes, lighting the streets, machinery shows, plots and numerous other events.

Muintir na Tire in Hospital is deeply indebted to Pat Leahy. The people of Hospital have cause to regret and mourn his loss. He died as he had lived and we pray that the angels surrounding his death-bed have carried him straight to his eternal home.

On him we still rely, for he who was so unselfish in life will be still with us in spirit to aid and guide us in carrying on the good work for God and Ireland.

Eternal rest give unto him, O Lord, and let perpetual light shine on him forever. Amen.

(Report of Mr. Leahy's funeral, unavoidably held over, will appear in our next week-end issue).

Mr. Kenny pointed out that the enclosing wall had been built long before the erection of the monument. It could not be regarded either as a fixture or as a chattel in the custody of the applicants. **NEITHER A FIXTURE NOR A CHATTEL.**

In law, he submitted, the monument was neither a fixture nor a chattel but fitted into another category as "an article affixed to the land."

LIMERICK

MONDAY, OCTOBER 28, 1946

Things That

General satisfaction has been caused by the decision made in our court on Friday evening that Muintir na Tire should have the provision of chairs for the poor of Limerick's poor continued for the coming year and spring. The assistance for the coming year carried on with the same admirable energy and determination during the emergency and a great deal of work was done. Doubtful if there will be a necessity for the coming year for the operation of the truly excellent and worthy charity.

As a result of the weather conditions of well-saved turf this year, the weather would be smaller this year. It is hoped that if the poor are not to fend entirely for themselves they would for the coming season have fireless heat. It is imperative that every effort be done to come to a decision in this matter or we can do little or nothing for ourselves. A kindly thought to vince any well-disposed person that the effort such distress means and generous support.

The Muintir na Tire carried on for the past years made turf for the poor at a very low price. It was financed by an arrangement with employers and employees who contributed a certain amount by week. The Muintir na Tire contributed a penny of wages or salaries and the total made a substantial sum. At these regular contributions several other generous descriptions were given. It was possible to raise a very large amount of money a more or less non-recurring source of huge numbers of people who deserved and needed help.

For certain reasons it has been agreed to let the turf drop. This decision means due to any lack of sympathy with the distressed on the part of employers. It had to be done into which there was no room in entering at the door. The gratifying fact is that the scheme is being run and that it is to be continued again by the splendid work of those who had it on hand for the past few years of the