

LATE PAT CARROLL

His Work For Ireland

A COMRADE'S TRIBUTE

As one who was intimately associated with the late Pat Carroll, I wish to pay a tribute to the memory of a very patriotic Irishman.

As a mere youth he joined the Irish Volunteers and when that Force became the Army of the Irish Republic he and his comrades took an active part in training and equipping the local Company of the I.R.A. for the difficult fight which they knew lay ahead of them. He was appointed Brigade Adjutant and was several times in action against the occupying British Forces, and continued to be active in the I.R.A. up to the Truce. When the Army split over the Treaty he had no hesitation in deciding which side to take. He again went on active service with the Republican Forces, and when captured by the Free State Forces he served a term of imprisonment, and as a result his health broke down for a time.

On the establishment of Fianna Fail, he, with usual customary energy, organised the first Fianna Fail Cumann in Ahane. He remained a very active member of the organisation up to the end, for he saw in it the means to remove all the rocks and boulders which strew the road to freedom. Again, when danger threatened his beloved country in World War II, he was amongst the first to join the Castleconnell L.D.F., and became a Group Commander in that Force.

He took a leading part in all national and cultural activities. He joined the Ahane Branch of the Gaelic League, of which he had ever since remained a consistent supporter. He acquired and mastered the language while leading a busy life. He took an active part in the language revival and was on several Féis Committees. He took part in the production of several plays written and presented in Irish.

He was on the committee of the first Ahane G.A.A. Clubs and was always an ardent supporter of the national pastimes.

His heart, mind and soul were filled with a passionate love of Ireland. He regarded every sod of ground from Malin Head to Cape Clear as sanctified with the blood of Irish patriots. Often, as we strolled along the road, he would revert to his favourite topic—the social and economic ills of Ireland, and his hopes in the future. Eloquently he would talk of the past glorious history of our country. In his inspired moments he talked with great intensity of feeling. To those of us in a later period he gave hope and national pride, for his national gospel was breezy. The gospel of Tone and Davis had no abler advocate, Ireland no more passionate lover or more strenuous labourer.

Thank God, we had such a lofty-souled man as a friend. Were I to fill columns I could never do justice to his worth. Eternal glory to a great heart, and may his memory last for ever.

SEAN O BRIAIN.

BAD ROAD AT CROOM

For some time past (writes our Croom correspondent) motorists, cyclists, and pedestrians have been complaining about the condition of disrepair into which the roadway from the Mill Cross, Croom, to the local railway station has fallen. This part of the highway is a mass of potholes, and pedestrians complain that when rain falls, these potholes fill up with water. The wheel of a motor car happens to get right into the holes and splashes the water about, so leaving the passing pedestrians or cyclists, as the case might be, to suffer from the miserable conditions. It is hoped that the

ACTION FOR ALLEGED LIBEL

Auctioneer Claims £300 Damages

IMPORTANT CASE BEFORE CIRCUIT JUDGE

At Limerick Circuit Court on Friday of last week, before Judge Barra O Briain, S.C., Thomas C. Mullally, auctioneer, Feenagh, sued Bartholomew Wall, Callahow, Dromcollogher, for £300 damages for alleged libel.

Mr. M. V. Fitzgerald, B.L. (instructed by Messrs. J. Binchy and Son, solicitors) appeared for the plaintiff and the defence was conducted by Mr. Sean Kenny, B.L. (instructed by Mr. J. T. Liston, solr., Charleville).

Mr. Fitzgerald explained the cause of plaintiff's action. The plaintiff was an auctioneer carrying on business at Feenagh and the defendant was a farmer. On November 21st, 1945, the plaintiff, on the instructions of Nora Irwin, put up for sale by public auction part of the lands of Callahow. The reserve price not having been reached at the auction, the lands were withdrawn for sale by private treaty. Subsequently, on December 5th, 1945, the lands were sold to the present defendant, Bartholomew Wall, for the sum of £1,410, together with auctioneer's fees of five per cent. In accordance with the usual practice of auctioneers, the plaintiff sent a report of the sale to the Editor of the "Limerick Leader" stating that the lands had been sold to Mr. Bartholomew Wall for £1,410 and fees, and this report was published in the week-end issue of the "Limerick Leader" on the 15th December, 1945. In a letter dated December 17th, 1945, purported to have been written by the defendant, and sent to the Editor of the "Limerick Leader," the defendant, it was alleged, falsely and maliciously wrote and published of the plaintiff and of his way in business the following letter:—

"Dear Sir—I wish to draw your attention to a news item in last week-end 'Leader' (page 12) re T. C. Mullally's sales. This farm was bought by me, the undersigned, for £1,075 and not £1,410, as stated. Will you please correct this in next week-end 'Leader,' and I hope it will get the same publicity as previous item. No authority was given by me for any such insertion.—Batt. Wall."

SUBSTANCE OF LETTER PUBLISHED.

In compliance with the request contained in the defendant's letter, the "Limerick Leader," Ltd., in the week-end issue of their newspaper, dated 22nd December, 1945, printed and published of the plaintiff, and of him in the way of his business, the following words, under the heading "Price of Holding": "A news item appeared in our last week-end issue stating that Mrs. E. Irwin's holding at Callahow, Feenagh, was disposed of by Mr. T. Mullally, M.I.A.A., to Mr. B. Wall at £1,400. Mr. Batt. Wall, Callahow, Dromcollogher, writes stating that the farm was bought by him for £1,075." The "Limerick Leader," stated Mr. Fitzgerald, has a big circulation in Counties Limerick, Clare, Kerry and Tipperary. By the alleged libel, the defendant meant, and was understood to mean, that the plaintiff had inserted and caused to be published a false report of the result of the sale mentioned, and that the

His Lordship said this request by Mr. Kenny would have to be brought by way of notice of motion, if it were to be sustained.

Mr. Kenny said that the plaintiff confined his inuendo to the letter itself and not to the paragraph on the letter published on December 22nd, 1945.

Mr. Fitzgerald said that damages were being sought for the letter sent to the Editor of the "Limerick Leader" and for the publication, at the defendant's request, on December 22nd last, of the substance of the letter.

His Lordship said that Mr. Fitzgerald's submission inferred that there were two libels, although the plaintiff's endorsement of claim consistently referred to "a libel," never using the plural form of the word. There was, according to Mr. Fitzgerald, a complete cause of action in the letter dated December 17th and another cause of action in the publication, at the defendant's request, of the substance of the letter on December 22nd, 1945. How, asked his Lordship, could a claim be made in respect of both, when the endorsement of claim only mentioned one.

Mr. Fitzgerald maintained that, to all intents and purposes, the repetition of the libel in the publication of the defendant's letter was a fresh libel. The two were actually being taken together.

His Lordship said there was no allegation that the substance of the letter published on Dec. 22nd was false. He would have to make the letter dated December 17th, 1945, purported to be signed by Batt. Wall, and sent to the editor of the "Limerick Leader," the issue in the claim. The case would have to proceed on that letter.

Mr. Fitzgerald then submitted correspondence in connection with the action and called his first witness.

PLAINTIFF'S EVIDENCE.

Thomas Mullally, the plaintiff, swore that he was an auctioneer, and was a member of the Irish Auctioneers and Estate Agents' Association. Last year he offered a farm, the property of Norah Irwin, for sale. Mr. Wall, the defendant, and a Mr. O'Sullivan bid at the auction but the property was withdrawn for sale by private treaty. Subsequently the property was sold to Mr. Wall for £1,410 and auctioneer's fees. Witness produced the original conditions of sale. It was part of a further agreement that the price would be £1,410, plus witness's fees. Subsequent to the auction, before the sale, Mr. O'Sullivan had offered £1,400 for the farm. It was usual for auctioneers to report the results of their sales in the papers, and he (witness) reported the sale for £1,410 of this farm in the "Limerick Leader" of December 15th, 1945. Witness's attention was drawn to a paragraph on the issue of the "Limerick Leader" for December 22nd, 1945, to which he objected. That paragraph intimated, he felt, that he had got a smaller price for the farm than he actually got. When he saw this item he instructed his solicitor to write to the defendant in the matter.

Witness continued that he was

POPULAR

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