

# Depositions Taken

## City Murder Charge

### Many Witnesses Examined

Before District Justice D F Gleeson, B 1, at a special Court in Limerick on Monday, the taking of depositions was begun in the case in which

James Kennedy, 33, Buxton st North, again appeared as respondent charged with the wilful murder of Thomas Feby, Margaret street, licensed trader, who was found battered to death on his premises on the 17th ult.

Mr M B O'Malley, solicitor, appeared for the accused, and Mr T Donovan, B 1, (instructed by Mr Maurice Power, State Solicitor's Office), prosecuted.

Mr Donovan opened for the State, outlining the evidence to be produced.

Christopher Cahill (19) 23 Doyle's Cottage, John street, who said he had been in the Coastguard Corps and while there knew the accused, who was a corporal and a good gymnast, stated that on Tuesday night, 17th ult, he went in the direction of Margaret street some time after 8 o'clock and met Kennedy, who asked him if he knew his (accused's) sister was dead; he (witness) replied that he did and went away; Kennedy told him he was going down to Thomas Feby's premises; Kennedy walked kind of steady but he was a bit boozed all right.

Asked by counsel if he said anything when Kennedy said that he was going to Feby's, witness replied that he asked him what he wanted there and he said he was going down to get money or B; he told Kennedy that Feby would give him 20 money and Kennedy then said: "I'll get it," in an ordinary tone of voice.

Witness then gave him a shilling and they parted.

Mrs Della Kibbey, 4 Pease street, recalled that about 8 o'clock on the night of 17th ult she went to the deceased's premises and saw Feby go into the lavatory and about "Come out here, young man; I want nobody clearing about my place."

As far as she knew she and Mrs O'Geady were alone with Feby in the shop at that time, for a while nobody came out of the lavatory; then Feby opened the two sides of the Margaret shop door and looked up and down the street; he came back to the shop and in a low voice said "If I can get a Guard I will get the place cleared," then a young fellow came out of the door.

The man who came out she now identified as the accused; he had a pint glass of stout in his hand which he brought over to the grocery counter and a raincoat on his arm.

Thomas Carroll (10) 37 Black Hill Lane, who was not sworn, stated that on the evening in question, while playing at Feby's corner; between 9 30 and 10 he looked in through the window to see the time on a clock and saw behind the counter a young man searching the drawers.

Dr J McGrath, State Pathologist, said that when he examined the body of the deceased in the publichouse on 18th ult there was much blood stains on the hands, shoulders and arms. The objects near the body were much bespattered with blood. Feet on the top of the stove near and under the deceased's body, and the freshly broken fragments, showed blood stains. A wooden box near the body was much blood stained. There were similar bloodstains on the top of a flat bar inside the window and also fragments of blood stained glass near the body. At Harrington's Hospital later witness performed a postmortem examination. The body was that of a well built man, aged about 70 years. The hyoid bone of the neck was fractured in two places and one rib was broken. There were bruises upon other parts of the body and a considerable number of wounds and bruises on the head. The cause of death was shock and haemorrhage and respiratory failure caused by strangulation and by a number of severe wounds and injuries to the head.

"The injuries showed," added Dr McGrath, "that deceased man was strangled, his chest was crushed and he had received at least twenty four blows on the head from objects such as a bottle, a paint tin and the top of a stove."

Mrs Paylin Kahan, 22 William street, step sister of the accused, stated that on the 17th ult her mother (accused's step-sister) died; for about three weeks before the funeral Kennedy lived in her house where she lived with her father; when he came in after 11 o'clock he was crying and he said: "The good is gone and the bad is left"; he wore a raincoat which he took off; she then noticed that a blue coat he was wearing was all stained with blood; she asked what had happened and he said he had had a row.