

TENANCY ACTION
Question of Greater
Hardship

LIMERICK POSSESSION
CASE

The question of the greater hardship was the point on which Judge Barra O'Brien, S.C. gave his decision in an interesting tenancy case heard by him at Limerick Circuit Court last week.

Patrick J. Gleeson, 9 and 10 Mount Kennett, Limerick, sought possession of upper rooms at 10 Mount Kennett, occupied by Mrs. Emily Carroll.

Mr. M. V. Fitzgerald, B.L. (instructed by Mr. M. B. O'Malley, solicitor), appeared for the plaintiff. The defendant was represented by Mr. J. Kenny, B.L. (instructed by Messrs. M. Tynan and Co.).

Mr. Fitzgerald said that the defendant was in occupation of upper rooms at No. 10 Mount Kennett, Limerick, under an agreement of September 29th, 1949, in writing. The tenancy was a weekly one at a rent of 10/6 and 1/2.

Valuation of the two bedrooms, dining room, kitchen, and bathroom, the defendant occupied was above the £10 which would permit the case being heard in the District Court. The tenancy was determined in February, 1949, by a notice to quit, but this was discarded.

WANTED IT FOR HIS FAMILY. Counsel said that the plaintiff wanted possession because, having sold licensed premises at 34 O'Connell Street, and having acquired licensed premises at 9 and 10 Mount Kennett, he had to go to live with his wife's family at Pallasgreen—10 miles from Limerick—for want of other accommodation. His two children were going to school in Limerick, and he had to drive them in to Limerick each morning long before it was necessary from his business point of view.

He said that it was necessary that he should live in the house in order to give his business personal supervision. The plaintiff gave evidence along these lines, and said he had recommended alternative accommodation to the defendant, but said he was unable to accommodate his own family in Limerick.

Cross-examined, witness agreed that the defendant was an aged, infirm lady, daily receiving injections for diabetes. The only alternative accommodation he could find in Limerick was a 44 week house at Caherdavin.

DEFENDANT'S EVIDENCE. The defendant said she was 74 years of age. With her lived her daughter and her grand son, the latter being the child of another daughter who was married twice and who lived in Texas. For the past ten years she had been receiving daily injections for diabetes. She said that she had sought alternative accommodation in many places in the city without success. She was quite agreeable to give up possession if she could get alternative accommodation suitable to her means.

The defendant's daughter, Frances Carroll, gave evidence of having lived all over Limerick for alternative accommodation without success.

The Judge said he believed the defendant had been genuinely anxious to get alternative accommodation. The issue on which he had to decide was whether he thought the defendant would be the most inconvenienced by having to leave the premises. Accordingly, he would dismiss the action with costs.

A SPLENDID TYPE
LATE MISS MARY HAYES,
RATHKEALE

Miss Mary Hayes, whose death occurred at her residence, Thomas Street, Rathkeale, on the 2nd inst., had reached an advanced age (writes our Rathkeale correspondent). She was an aunt of the late Rev. Michael Hayes, P.P., Ardagh. She was a genuine spirit of charity and consideration for others, she was always happy when doing her part in a modest way to extend comfort and consolation to any friend or neighbour when in distress or stricken with sorrow.

The remains were removed to St. Martin's Church, Rathkeale, on Saturday evening, and the funeral, which was very large and representative, took place to the adjoining cemetery on Sunday. The prayers at the graveside were read by Rev. P. Ruddle, P.P. (relative). Assisted by Very Rev. W. J. Cannon, C.C., P.P.; Very Rev. T. Cannon, P.P.; Very Rev. M. O'Brien, P.P.; Rev. P. Lynch, P.P.; Rev. D. O'Callaghan, P.P.; Rev. M. O'Grady, P.P.; Rev. T. Costello, C.C., and Rev. G. Enright, C.C.

IN MEMORIAM
COLLINS (Eighty Anniversary)—
Your prayers are requested for the repose of the soul of Mrs. Maria Collins, 20 Catherine Street, who died on April 12, 1941.

NOTE OF SYMPATHY.
Janesboro A.F.C.—At a special committee meeting of Janesboro A.F.C. a vote of sympathy was passed to Mr. O'Dea and family on the tragic death of their son, Patrick; all members standing at a mark of respect. — C. Collopy, Hon. Secretary.

ACKNOWLEDGMENT.
LITTON—The husband and family of the late Mrs. Ellen Litton (nee Scanlan), of Coolton, Shanagolden, wish to return sincere thanks to all those who sympathized with them in their recent bereavement; to those who sent Mass cards, telegrams, and letters of sympathy; to those who attended personally and attended the Mass funeral; to all those who so generously helped, and especially the priests and kind neighbours of the district. Trusting this notice will be accepted by all as an expression of our deepest gratitude.

PUBLIC SYMPATHY.
LIMERICK BOY'S FUNERAL

The widespread sympathy felt for the parents of the little boy, Patrick O'Dea, Colbert Avenue, Janesboro, was shown on Saturday last when hundreds of sympathizers lined the route of the funeral from Barrington's Hospital to Mount St. Lawrence cemetery.

The coffin was abundantly covered with flowers, and included in the very large attendance were many youthful sympathizers from the Janesboro district.

Before the kick-off in the Saxone Cup soccer match, between Janesboro United and C.I.E., at Caledonian Park, yesterday, two minutes' silence was observed as a mark of respect to the memory of the little boy and of sympathy with his highly respected parents.

BEQUESTS IN WILL

Miss Fanny Kelly, of the Tivoli Nursing Home, Tivoli Terrace, Dun Laoghaire, Dublin, late matron of the Home, Ryves Path, Limerick, who died on September 29th last, left personal estate in England and Ireland, valued at £1,900. She left £50 to Margaret McCarthy, of 2 Robert Street, Limerick, who was for ten years in my employ; £100 for the erection of a simple ironwork railing round her parents' grave; £20 to Edmund Mellitt, and the residue to her niece, Mabel I. Porter. Probate has been granted to her niece, Mrs. Mabel I. Porter, of 66 Comragh Road, W.14, and Edmund Mellitt, of 157 Rathgar Road, Dublin.

COMEDIAN'S DEATH

The well-known comedian, James Jonson, has died in Dublin. The late Mr. Jonson, at one period, toured Ireland with the Sylvester Variety Company and was well known throughout the country.

FINGERS SHOT OFF

When Mr. William Chambers, Assally, Killinick, Co. Wexford, was taking down a gun to shoot hares, it accidentally discharged and shot off two of his fingers.

REMOVAL OF REMAINS

There was a large attendance of clergy and laity at the removal of the remains from the parochial house to Bulgaden Church, yesterday evening.

LARGEST DIOCESE

The diocese of Munster in Germany now claims to have the largest Catholic population in Europe—if not in the world—with 2,200,000 Catholics (says the Catholic Library Information Bureau, Dublin). At the end of the war there were 1,700,000. Mass influx of refugees has brought about the enormous increase.

CROSS ON SITE OF HITLER "NEST"

Hitler's "Eagle's Nest" at Obersalzberg, near Berchtesgaden, is to be soon razed to the ground. The local Municipal Council has proposed the erection of a cross on the top of the mountain to symbolize the victory of Christian civilization over the Nazi persecutions.

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