

THE GREATER HARDSHIP

For In City Tenancy Case

CIVIL BILL COURT CLAIM

Decree For Plaintiff

grounds of greater hardship Justice D. F. Gleeson in Civil Bill Court today, decree for possession of a house to a bachelor whose wife lived in it for 65 years.

The action was Ed. Earls, 38 Upper Clare Street, and the defendant was Frederick Young, 26 Edward Street.

Blood-Smyth, solr., was plaintiff, while Mr. Martin O'Brien, (Messrs. Michael Co.), appeared for the defendant.

Mr. Collins gave evidence in favour of the defendant demanding possession of the premises.

DEFENDANT'S EVIDENCE. Mr. Earls said he was married and had five young children. He lived at 38 Upper Clare Street and had two rooms and a shop at 26 Edward Street.

Defendant's rent was 6s 2d per week. He had been tenant since 1944 and was a tenant for life.

Defendant left the premises in 1942 months ago. In January 1949, he gave notice to quit on the defendant and the defendant was living at Mannix Villas.

The defendant and wife went into 26 Edward Street in 1949 and lived in Mannix Villas.

How long has the defendant and wife been in the house since last January?

Witness said that the defendant had now gone back into 26 Edward Street with his (brother's) wife and had not sufficient accommodation at Clare Street.

CROSS-EXAMINED. Examined by Mr. Tynan, witness said that he had possession of 26 Edward Street for 65 years.

Witness said that he had possession of 26 Edward Street for 65 years and up to about four years ago his mother was tenant and at that time Mr. Earls was not landlord. He paid the rent to the plaintiff up to December, 1949, and after that date he tendered the rent to the plaintiff but it was not accepted.

Mr. Tynan: Did you in fact ever leave the premises? Strictly speaking, I never left the premises.

Continuing, witness said that he was living at 26 Edward Street at the present time and it was his intention to preserve his tenancy.

Cross-examined, witness said he never left the house. He used to go down to his sister at Mannix Villas since his brother-in-law died 18 months ago. He would not say that he was living at Mannix Villas. He agreed that it was there he was served with the notice to quit 26 Edward Street.

Mr. Tynan told the Justice that he was under the impression before the case was heard that the grounds on which possession would be sought was that the defendant had vacated possession. He now found that the stronger argument was to have possession for the plaintiff's own use. The plaintiff was living in what he (Mr. Tynan) considered to be substantial premises and some inquiry could be made about what accommodation the plaintiff had. Just to the casual observer the premises in Clare Street appeared to be substantial.

THE ONLY ISSUE. The Justice said the only issue in the case was whether the landlord really required possession of these premises for his own use to reside with his wife and five children. The plaintiff was a man with five young children and the defendant was a single man. The case was really one of greater hardship. Mr. Tynan had suggested that Mr. Earls was not serious in his intention to reside in the house with his family. Mr. Earls was not a good witness, but in saying that he was not saying that he was an untruthful witness. He was a bad witness from the Court's point of view. He (Justice) could not make up his mind that the plaintiff was telling him deliberate lies and he believed that the plaintiff wants to go to his house and he would find that a fact. The plaintiff at the moment had the use of only one room for living accommodation and if one has a shop one is expected to have a room for the shop.

Do you want two people to live in for your own use?—No, sir.

Do you want these premises merely as a residence for your family?—Yes.

Do you want these premises for your own use?—I do.

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NOTED FIGURE

Death of Major-Gen. Hogan

WAS MARRIED TO LIMERICK LADY

A PROMINENT figure passed away in Dublin early this morning when Major General Michael Hogan (retired) died unexpectedly. He was married to a Limerick lady, Miss Mary Barry, elder daughter of the late James F. Barry, Janeshoro.

The late Mr. Hogan, who was born at Kiltrickle, Co. Galway, 51 years ago, was a member of a distinguished family. He was brother of the late Mr. P. J. Hogan, solr., a former Minister for Agriculture. Another brother is Professor James Hogan, of University College, Cork, one of the most brilliant personalities of the present day.

INDEPENDENCE FIGHT.

Interrupting his college studies in order to participate with other members of the family in the struggle for independence, the deceased, while still in his teens, was one of the most active of the Flying Columns operating in County Galway. Distinguishing himself in the Volunteers, he took part in many engagements with Crown Forces and on a few occasions he escaped capture by a hair's breadth.

Following the Treaty, he joined the Free State Army and was given the rank of Colonel. His subsequent promotion was rapid and by 1945, when he retired to civil life, he held the commission of Major General.

HIS WORK IN ARMY.

During his army service he was mainly responsible for the introduction of many innovations and reforms. He was one of the principal founders of the Army School of Equitation, with the members of which he visited many foreign countries. He was also responsible for the setting up of the L.D.F., an organisation that made wonderful progress under his guidance and direction.

On his retirement from the Army in 1945 he was appointed Assistant General Manager of Aer Lingus, an office in which he gave many proofs of his boundless energy and capacity for hard work.

At the age of 17 years Major General Hogan began to study law in U.C.D., and before completing his course he joined the Irish Volunteers. He served for several years in different parts of the country, and after the Anglo-Irish Treaty of 1922 he remained in military service and was at various periods stationed in Limerick, Kerry, Cork and Galway.

He held the post of Director of Infantry and was later officer commanding the Army School of Instruction. Then followed other appointments.

LOVEABLE CHARACTER.

In private life he was one of the most lovable of men. Of a warm and unassuming disposition he was held in very high esteem and regard and his death will be mourned with deep regret in all parts of the country, especially in Limerick, where he had hosts of friends.

To his widow (elder daughter of the late James F. Barry, a former Mayor and Coroner of Limerick), to her five children, and numerous other relatives we tender our heartfelt sympathy in their bereavement.

IN NORTH KOREA

IMPORTANT CITY TAKEN

South Korean infantry were reported to have taken an important city in North Korea.

MAYORAL CHAIR CONTEST

Tie Decided By Draw From Hat

MR. KEVIN BRADSHAW ELECTED

Congratulations From All Sides

ONE of the most exciting Mayoral elections ever in Limerick was that of Mr. Kevin Bradshaw last Saturday as a result of a draw from a hat. Ald. G. E. Russell was a second candidate.

At the roll-call, Messrs. P. J. Donnellan and J. Connery were absent. But during the speech of the outgoing Mayor (Mr. G. B. Dillon) Mr. Connery arrived and sat beside Mr. J. Walsh (F.G.).

OUTGOING MAYOR'S REMARKS

The outgoing Mayor said at the beginning that he was not seeking re-election. He said he wanted to thank everybody who had made his job so easy by their loyal co-operation and support.

"I would take this opportunity before vacating the chair," he said, "of congratulating the old members on their re-election, and extending a very hearty welcome to the new members, who, I am confident, will give of their best in the interest of the city. At the same time, we must regret the absence of our old colleagues, Ald. Hartney, Councilors Cusack, McGuire, Whelan, Hickey and McCarthy, who served this city faithfully and well."

"I would also like to thank the City Manager and each and every one of his staff for their loyal help and co-operation. I think I can say without fear of contradiction that in Mr. Macken we have a most able and fearless administrator, who works for the city in a selfless and unselfish manner. I must express my sincere thanks and thanks to the Press for all the help they have given me."

Mr. Dillon then called for congratulations for the Mayoress.

ALD. RUSSELL PROPOSED

Mr. S. Coughlan proposed Ald. Russell, who, he felt, had spent many years in the city and had proved himself a sound councillor. He thought he would be the only one of the Mayor with dignity and high ability.

"I want to have my personal money subscription. With the support and help of my members, I will do my best to serve the city in a selfless and unselfish manner."

"I also wish to extend a vote of thanks to the outgoing Mayor and his staff for their loyal help and co-operation. I must express my sincere thanks and thanks to the Press for all the help they have given me."

Mayor Kevin Bradshaw, who was elected, said that he was very pleased to see the support which he had received from the people of Limerick. He said that he would do his best to serve the city in a selfless and unselfish manner.

Mr. Coughlan—Mayor, I don't know with the present arrangements at the present juncture I don't propose that it is changed.

ISSUE COMPLICATED

According to Mr. Coughlan's proposition, Mr. Kevin O'Sullivan (who had been elected) had decided after very long and deliberate consideration. "I have got to decide between two candidates, one for myself. The issue is complicated because each of the two is a long-standing friend of mine. We have Councillor Bradshaw, who is a new member who has yet to serve his apprenticeship. He is a very good man and I am sure he will be a great asset to the city."

Mr. Coughlan—Mayor, I don't know with the present arrangements at the present juncture I don't propose that it is changed.

MORE CONGRATULATIONS.

Mr. Reidy joined in the congratulations to the new Mayor. He, like Deputy Bourke, knew him since he was a very small boy and he would assure him of the fullest cooperation of the Press.

Bradshaw was the winner, there was prolonged cheering. Supporters from the gallery rushed in and embraced the new Mayor.

Ald. Bourke then got quickly to his feet and waving his agenda across at Councillor Connery, shouted: "Now John Joe, where are you. I promise I will vote for Bradshaw on election day."

Mr. Connery—Why? I will tell you in a minute.

CHEERING AND BOOHING

There was considerable cheering and boohing from the gallery and Mr. Connery's brother, Mr. M. Connery, making his way up behind the members, shouted: "Ald. Russell didn't follow him around town all last week the way you did."

Mr. Finnan—Thank God nobody bought him this time.

Order was quickly restored and Mr. Dillon invested the new Mayor with the chain of office.

NEW MAYOR RETURNS THANKS

The new Mayor said—"I feel so full of gratitude for having been elected Mayor of my native city that it is difficult for me to command words to sufficiently convey my thanks. While I am Mayor, and presiding at meetings of the Council, I shall endeavour to be at all times impartial, and I feel certain I will have the assistance and co-operation of you, gentlemen, should I am able in procedure. It will be my aim to foster a spirit of goodwill and always to bear in mind that I am Mayor of all citizens, irrespective of religious or political leanings, and it will not be my fault if I do not uphold the dignity of the high office to which I have been elected."

CONGRATULATIONS FROM ALD. RUSSELL.

Addressing the new Mayor, Ald. Russell said he extended very, very sincere congratulations to him. Both of them had been comrades for a long time and they had the honour of serving in the same battalion in the L.D.F. during the Emergency—a fact which further served to cement their friendship. He felt that they had both approached the Mayoral contest in the very same spirit and had decided that whoever was successful would get the fullest and most loyal support from the other. He would congratulate him on the method on which he went into the contest. The support which he had got was got in the same way as his (Ald. Russell's) and that support which he got outside of his own party was completely and absolutely unconditional. It was very gratifying to know that he (Ald. Russell) was beaten by as good a candidate as himself. He felt sure that the new Mayor, with his long and honourable contacts with the people of Limerick, would fill the office of Mayor with great dignity and ability. Any assistance he could give the Mayor was his for the asking. He congratulated him very sincerely indeed.

MORE CONGRATULATIONS.

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