

A "RACKET" ALLEGED

Sale To Co. Limerick Farmer

ANALYSIS OF PRODUCT ORDERED

AT Rathkeale Court, before Justice C. S. Kenny, B.L., Messrs. John Neill & Sons, Finglass Bridge, Co. Dublin, sued George C. Kennedy, Cartown House, Kildimo, for £6 8s. 11d., amount alleged to be due for goods sold and delivered.

Plaintiffs' claim was based on the supply to defendant on order of 56 lbs. of livestock blood salts at £5 13s., with container and a charge for carriage.

Mr. M. M. Power, Solicitor, Kilmallock, appeared for plaintiffs, and defendant was represented by Mr. T. O'B. Kelly, solicitor, Limerick.

Evidence for the plaintiffs was given by John Neill, a salesman and traveller for the firm, who stated that he visited defendant on 11th January, 1950, seeking an order. He received an order for 56 lbs. of blood salts and he wrote out a copy of the order, which was signed by defendant in his presence. The goods were subsequently dispatched and witness produced a delivery receipt signed by defendant. The amount due had not been paid.

Mr. O'Kelly cross-examined the witness at considerable length regarding his associations with the firm and in reply witness explained that he was a salesman attached to the firm, with which he had otherwise no connection.

"RUN AS A RACKET."

Mr. O'Kelly—Our case is that this firm is being run as a racket and which, as you know, has been brought up in other courts before? I never heard of it.

Answering further questions, witness agreed that a number of similar cases had been defended and that, according to reports in the papers, a number of them were successfully defended.

He also admitted that the firm had lost a case in Limerick Court on the previous Monday, but that was due to the fact that the amount was so small the firm thought it wasn't worth while to proceed with it, as it would not pay them to come down from Dublin to prove it.

Mr. O'Kelly proceeded to question witness regarding an analyst's certificate dealing, allegedly, with cod liver oil supplied by the firm, when Mr. Power intervened to object on the ground that this had nothing to do with the case before the Court.

Witness said the cod liver oil referred to was sold not as cod liver oil but as cod liver oil tonic.

Mr. O'Kelly maintained that under the Sale of Goods Act plaintiffs were not entitled to succeed in their claim as the goods sold in this case were not reasonably fit for the purpose for which they were sold.

The Justice said he would keep the point in mind, but would like if in further cross-examination, Mr. O'Kelly confined himself to the items of the claim before the Court.

APPOINTED AS RESULT OF EXPERIENCE.

Answering further questions, witness said he was acting as salesman for the firm for seven or eight years and he would say that his appointment was as a result of his experience as a salesman.

Mr. O'Kelly—Is it true that your company were hunted out of Nor-

as he was not a chemist. He added that evidence on this point could be given by a chemist attached to the firm who had had thirty years' experience.

CO. LIMERICK CUSTOMERS.

Witness further stated that he had found several customers who found the blood salts satisfactory, but he could not give their names off hand. Amongst customers supplied in Co. Limerick was Lord Adare.

Mr. O'Kelly, in reply to the Justice, said he would not have direct evidence from an analyst that day.

Justice—As this case is a really important one I might have the salts analysed.

Mr. O'Kelly explained that defendant had returned the blood salts to the plaintiffs and he understood they were now in Kingsbridge Station.

Mr. Power said the defence had produced no evidence of the analysis of the salts which formed the subject of the case, and it was irrelevant to introduce the analysis of any other goods. Replying to Mr. O'Kelly's contention, he contended that the onus was on the defence to prove that the goods were not reasonably fit for the purpose for which they were sold.

EVIDENCE FOR DEFENCE.

Evidence for the defence was then given by Thomas Brennan, a farmer living outside Limerick, who told the Justice that he had had a transaction with Mr. Neill, the witness for the plaintiff. He defended a case brought against him by the firm last Monday at Limerick, but the plaintiffs withdrew the case. As a result, witness was allowed the expenses of two witnesses from Dublin. Witness added that until in Court that day he never met defendant in the present case but as a farmer he was anxious to have the matter brought before the public in general. As a result, of his own transaction with the firm he became suspicious and when in Dublin he inquired at the address of the firm. He found the premises at the address given was like a farm yard with no sign of a factory. He met a person who appeared to be a caretaker but who could not give him the number or street address of the firm's office in the city, but said he would take a message if he (witness) wished to leave one.

Mr. O'Kelly—Are you suggesting that the firm were afraid of your defence?

Justice—To put it quite frankly, he is suggesting that the firm are a pack of frauds and a fake. I am merely telling you what he says.

Answering Mr. Power, witness said he was not in a position to prove that the Government "work" for the firm. It was he (witness) had been supplied with the cod liver oil content supplied by plaintiffs, and he got it analysed because he didn't like the appearance of it.

ANALYSIS NECESSARY.

The Justice said he thought the only way of deciding the case before the Court was to have the salts sold to defendant analysed. The analysis would have to be of the particular salt sold to defendant.

Mr. Power said he was quite satisfied to have this course carried out. He wanted to make it perfectly clear, he added, that if the allegations made by Mr. O'Kelly and his

PATRIOT FIGURE

Death Of An Old Volunteer

AN APPRECIATION

THE news of the death of John White, of 24 Upper Drumcondra Road, Dublin, was received with deep regret by the people of Ballyragan and Castletown McEniry, where he was deservedly popular (writes our Ballyragan correspondent).

Before leaving the country to live in Dublin he was an efficient and successful farmer at Cloonee, Ballyragan. He represented Castletown Division in the District Council for many years, and was ever straightforward and energetic in the interests of his constituents.

Though busy with his private and public life, he always found time to be in the forefront of the National movement. He was President of the local Volunteer Force since its inception, and when it came to be a life or death struggle he manfully threw in his lot with the younger men in their fight for freedom.

INTERINED IN BALLYKINLAR.

Arrested in November, 1920, he was interned in Ballykinlar until the general release in December, 1921. The foreign Government gave but little time for preparations, but enough for the local Volunteer Captain, the late Mr. Jack Bresnahan, to organise a cead míle fáilte abhaile to him. In the short space of 10 or 12 hours he succeeded in having practically every mode of conveyance in the parish to carry the crowd to meet him at Rathluire Station.

John, one of the most unassuming of men, stepped off at Rathluire, thinking of getting home quietly. Instead he found himself surrounded by an immense crowd with a band playing the "Soldier's Song." This, he told me afterwards, affected him, especially as one of his companions in the hut at Ballykinlar was its author, Peadar Kearney.

A lively procession it was on the way to Ballyragan, where a packed hall awaited him.

ADDRESS OF WELCOME

An address of welcome was read to him there, where he often sat as one of the judges at a Sinn Féin Court. I remember that John, in his reply thanking his friends, said that his incarceration in Ballykinlar was well worth while for two reasons: the grand welcome he got on his return, and the splendid fellows he was associated with at Ballykinlar, among whom, I remember, he mentioned the late Minister for Lands, Mr. P. Hogan; Mr. Sean O'Grady and Mr. Peadar Kearney. Though looking fairly well he appeared tired and was much affected by the expressions of welcome, so his friends cut short the welcome celebrations to allow him to join his wife, son and daughters, from whom he had been so long separated. A dheis De go raibh a anam.

LIMERICK MENTAL HOSPITAL BOARD.

DOMESTICS WANTED.

Applications are invited from Girls of good character between the ages of 18 and 30 years for posts on the domestic staff of this Hospital.

Successful applicants will be required to work a 48-hour week, and the following scale of Salary is payable: £52 a year by £1 10s. a year to £79 a year, plus free rations, apartments, uniform, etc., valued at £85 a year for pension purposes. Application forms and full parti-

NEW SOLICITOR

Introduced In Court.

CORDIAL WELCOME AT RATHKEALE

AT Rathkeale Court, before Justice C. S. Kenny, B.L., Mr. P. T. Liston, solr., formally introduced to the Justice on his first appearance in Court Mr. Cornelius Noonan, who recently passed his final examination for the solicitors' profession. He was a son of their respected colleague, Mr. Maurice Noonan, solr., and he knew that with the Justice's kindness and consideration the path of their young colleague in the Courts would not be a hard one.

GLADLY WELCOMED
The Justice said he was very glad to welcome Mr. Noonan to the Courts. His father had practised before him for over 20 years and he had no doubt that under the guidance of his distinguished father young Mr. Noonan would reach a very high standard in the profession, because he would say that his father was an ornament to the solicitors' profession.

Mr. M. E. Cussen, solr., joined in the welcome to Mr. Noonan and wished him many years of successful practice in West Limerick. Supt. J. J. Cooney, Adare, on behalf of the Guards, associated himself with the welcome and said he hoped young Mr. Noonan would enjoy many happy days in the profession and that he would get on as well with the Gardai as his father did.

Mr. M. M. Power, State Solicitor; Mr. J. Casey, solr.; Mr. D. B. Fitzgerald, solr., and Mr. Maurice Fitzgibbon, Court Clerk, also joined in the welcome and in the tribute paid to Mr. Noonan and his father.

FATHER AND SON RETURN THANKS

Mr. Maurice F. Noonan, solr., said he thanked the Justice and other speakers most sincerely for their very kind remarks. All he wished to say was that he hoped his son would carry on in the solicitors' profession as his father and colleagues had done and that he would always uphold the best traditions of the profession. Justice I am sure he will do that.

Mr. C. Noonan, solr., suitably thanked the Justice and other speakers for their kind welcome and said he hoped he would have the pleasure of appearing before the Justice in the course of his professional duties.

ON HIGH HILLTOP

HOLY YEAR CROSS ON KNOCKFERNA

HUNDREDS of people turned out for the annual ceremony which climaxed the steep ascent to the summit of Knockferna, 475 ft. above sea level on Friday, Sunday, the Feast of the Immaculate Conception, when the cross erected by the voluntary help of the people of Ballygarry-Grange in honour of the Dogma of the Assumption, and in remembrance of the Holy Year, was unveiled by the Very Rev. T. Canon Wall, P.P., Ballygarry.

The cross, which is of reinforced concrete, stands 32 feet in height from the level of the land. The arms are 10 feet across. It now takes the place of the cairn, which old legend tells us marks the burial place of the Dom Firinne, the Fairy

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