

# Dungarvan Leader

AND SOUTHERN DEMOCRAT

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## Dungarvan Circuit Court

The Michaelmas Sittings of the Dungarvan Circuit Court were commenced before Judge Sealy at the Courthouse Dungarvan on Tuesday last.

### Miscellaneous

A number of cases dealing with title registration were dealt with first also a few undefended civil bills. A number of adjournments in other cases were granted.

### Action For Slander

Michael Keating Briskey Killmacthomas sought £100 damages from John Connell, Knockacullen for alleged slander.

Mr Maguire B.L. (Messrs Farrell & Morrissey, solrs) was for plaintiff and Mr D'Arcy B.L. (Mr Hutchinson solr.) defended.

In the pleading Mr Maguire said that Keating resides in the adjoining farm to Connell. He was a bachelor and aged 74 years. A right of way from his farm through Connell's land to the road was the cause of an argument between plaintiff's nephew and defendant on June 16th last. Plaintiff came on the scene and joined in the discussion during which it was alleged defendant uttered the following words to plaintiff: "Why did you take the billhook and other things from Stack's house?"

Mr D'Arcy at this point asked that the action be struck out as the words which were complained of were not contained in the civil bill which did not disclose the cause of action.

After legal argument Judge Sealy allowed plaintiff to amend the civil bill to include the words in question.

Mr Keating in evidence said that he had a farm of 52 acres at Briskey which he signed over to his nephew Patrick Keating last year. The defendant has a farm adjoining which he bought from Maurice Stack. Plaintiff claimed that there was a right-of-way through Connell's land to the road but defendant refused to allow his nephew use it and this was the cause of the row. On June 16th he came along the boren and Connell and Pat were rowing. He heard Connell say "Go to hell" and Pat said "I have a right to use it" to which Connell said "You want everything since you came here" and Pat Keating said "We only want our rights." Witness said he then told Connell that he knew what their rights were and defendant then said "What did you want going into Stack's and taking a billhook and other things?" Plaintiff said "Are you trying to make a robber of me in my old age" and Connell said "I don't mean you but ye."

Mr Maguire—What did he mean by that?

Witness—He meant the two of us and Pat said "You want to make a robber of me too," and he went off then.

Mr D'Arcy—You say defendant said "You stole a billhook"?—Yes.

And what did you say?—I said "Connell you prove it" and he said "I only heard it I don't mean you but ye."

And did you say then "Your trying to get out of it now"?—Yes.

You had a row with Stack some years ago?—Yes over the passage.

You were annoyed when Connell bought Stack's farm?—It was over his cattle which gave trouble.

You were Stack's cousin and when he died you thought you would get the farm?—Not at all.

You hadn't used this passage for the past five years until last June?—Not for fifteen years.

You took part in this row between your nephew and defendant that evening?—Yes.

I suggest that you were so excited that you didn't know what defendant said and that what he did actually say was "somebody took a billhook"?—No.

Patrick Keating in evidence said "I am nephew of plaintiff and got the farm from him last year. On June 16th last I met

Connell in the boren and explained to him that I wanted to use the right-of-way to bring home some turf. Connell said "You can go to hell you won't get it you want everything since you came up here" I said "I have a right to it," and he said "I don't know what you are talking about" My uncle just came along then and said to Connell "Indeed you do know what he is talking about" and then Connell said "Why did you take the billhook and other things from Stack's house?" When my uncle challenged him he said "I don't mean you but ye," and I asked him when it was taken and said I could not be blamed as it was taken before I came there.

Mr D'Arcy—You never claimed this right-of-way for 15 years until the evening in question?—No.

Did your uncle give Connell a shove?—Yes.

When Connell said "I don't mean you but ye" to your uncle didn't he mean he wasn't blaming him?—No, but he blamed both of us.

Judge—Did you think he was accusing your uncle of stealing?—I did, your Lordship.

John O'Connell defendant said that he was in his farm for five years and never knew of any claim by the Keatings to a right-of-way. The first he heard of it was last June when he met Pat Keating in the boren. They had an argument during which Michael Keating came along and entered the discussion and hit him a pucker in the shoulder. It was then witness said "Somebody took a billhook from Stack's." The row was all over in five or ten minutes and he did not accuse Michael Keating of stealing.

Mr Maguire—When was this billhook stolen?—I don't know.

Was there in fact one stolen?—Yes.

How can you explain switching suddenly from discussing the right-of-way to making the statement about the billhook?—Because it was gone.

You can't explain why you said it.

Judge Sealy—It is really obvious that there was a bit of a row that day and both sides became hot and a blow was struck. I have no doubt that Connell did make the charge and use the words complained of by plaintiff. He was in a temper and when he realised what he said he retreated quickly. Plaintiff suffered no damage from the slander. It was rather stupid to be bringing an action over it and I am not going to encourage such. The plaintiff is entitled to a decree and I give a decree for £1 and costs.

**A Family Feud**  
Michael McGrath, Ballyheany Clashmore claimed £300 damages for trespass against Hugh McGrath same address. A counter claim for £20 was also lodged.

Mr Maguire B.L. (Mr Kenny Solr) was for plaintiff and Mr Clarke B.L. (Mr Williams, Solr) defended.

Plaintiff in evidence said that defendant was a sort of cousin of his and his claim was based on a number of acts of trespass by defendant's stock. They were not on good terms and defendant has a farm adjoining almost as big as plaintiff's. The boundary fence was earthen topped with bushes ranging in height from three to five feet.

Continuing plaintiff said "In 1939 I had 30 Aberdeen Angus heifers and defendant allowed his bulls to trespass and as a result ten of them came in calf which meant a loss of about £3 a piece. The same thing happened in 1940 and 1941. I inspected the boundary fence and found out where the bulls came in. I reported the matter to defendant but he never did anything about it. Wheat and oats in stack were also damaged in 1940 and 41 when about 9 bulls trespassed and knocked them down causing damage amounting to about £50. Two mares

were also damaged by defendant's stallions. One was a registered Irish Draught named "Tit-Willow" the other was a half-bred and both were put in foal by defendant's unlicensed stallion which broke into my land. As a result of this I lost about £100.

Mr Clarke—You never complained until Mr Hugh McGrath wrote you in April this year about the trespass on his land?—I did of course.

There was no allegation about the service before?—There was.

You say you actually saw the bulls with the herd?—Yes.

Would you be surprised if defendant were to go into the box and swear he only had one bull then?—Indeed I wouldn't a bit as he is terrible for telling lies (laughter).

The crop of wheat you complain about was a failure?—No it was very good.

Do you know 40 of your cattle trespassed on our preserved grass?—They only went on a bog.

Mr J O'Dwyer Sec. Co Committee of Agriculture, also gave evidence for plaintiff.

Hugh McGrath defendant said that his sire was of the hunter class but the foal could prove good. The thing was no wish of his. In April and May this year 40 cattle and 3 colts the property of plaintiff trespassed on his land and caused about £5 damage. This trouble has been going on between the families for the past 25 years. Their fathers before them never got on and plaintiff now wanted to continue the bitterness.

Mrs Josephine McGrath, wife of defendant also gave evidence.

Judge—These two men are in a wretched position. In the ordinary way neighbouring farmers are friendly and join together and keep their boundary fences up. But these two are at loggerheads as were their fathers before them and as neither of them keep the boundaries in repair the stock trespasses. Substantial damage had been done to plaintiff's licensed mare. It was a matter for speculation what he would lose and I think £35 a fair amount and I think defendant is entitled to a decree for £3 in the counter claim.

Costs and expenses were also allowed.

**Honest Witnesses—Contradictory Evidence**  
James Twomey, Clonkerdon in another trespass action claimed £12 damage from a neighbouring farmer James McGrath.

Messrs Farrell & Morrissey, Solrs, were for plaintiff and Mr Williams Solr was for defendant.

Plaintiff in evidence said he was a farmer with 240 acres and on June 20th last he found 4 of defendant's cattle trespassing on an eleven acre field part of which contained a crop of oats. The Lickey river intersects the boundary fences. He complained about the trespass. There was about three-quarters of an acre of spring oats trampled and pulled up from the roots. Senator Butler came from McGrath and offered £10 in settlement which would be accepted but McGrath went back on it.

Mr Williams—I suggest that the oats was only 5 or 6 inches high and would recover?—It was taller and did not recover.

Mr M F Walsh Auctioneer Cappoquin said he saw the land two days after the trespass and he found from half to three-quarter acres of the oats with tops eaten off trampled and torn up. He estimated the damage at about £12.

Mr Williams—How high was the oats then?—About 12 inches high.

James McGrath defendant, said that the damage done was negligible and would amount to only a few shillings. He offered £6 to settle or was willing to abide by the decision of three farmers chosen by plaintiff and three by himself.

Mr Walter Terry Aglish, said that he examined the oats about July 2nd and he honestly could not say that there was any damage done worth talking about. He thought that £1 would be a fair amount for the damages.

Mr Michael McGrath M.C.C. said that he agreed with Mr Terry's evidence having seen the

crop early in July also.

Judge—There are honest witnesses on both sides but the evidence is contradictory and very hard to reconcile. I think there must have been substantial damage done which was not pointed out to Mr Terry or Mr McGrath and I allow a decree for £7 and £2 expenses and costs.

£8 lodged in court as part satisfaction was ordered to be paid out.

**Ejectment Decree**  
Mr William Ryan and Dr P Ryan Main Street Dungarvan described as co-landlords of a house in Bridge St, presently occupied by Supt P O'Mahony sought an ejectment order against Mr Patrick Dunne Eastlands Tramore the actual tenant who had sublet the house to Supt O'Mahony.

Mr Maguire B.L. (Mr Williams Solr) was for plaintiffs and Mr D'Arcy B.L. (Mr Hutchinson solr) was for the defendant.

Dr P Ryan in evidence said that with his brother he was landlord of the house. Defendant was their uncle and on September 21st, 1943 he served the notice to quit on defendant personally. At present the Superintendent was the sub-tenant of defendant who had one room at the top of the house reserved for himself. He required possession of the house to continue his practice but they would allow the Superintendent to reside there on the same terms until alternative accommodation could be provided for him.

Mr D'Arcy—Did you say anything when serving the notice to quit?—All I said was "Notice to quit Mr Dunne."

Mr William Ryan brother of last witness and co-landlord said that the gale days were March 25th and Sept 29th. The last payment made by defendant was a cheque for £15 made in July last in respect of the half-year ending March 25th last.

Mr D'Arcy claimed that the notice to quit was bad on two points but his Lordship did not agree.

No evidence for defence was called and after legal argument a decree for possession was given but the sub-tenancy of Supt O'Mahony was deleted from the order.

**LISMORE SITTINGS.**  
The Dungarvan Sittings were adjourned at noon on Tuesday to enable the Lismore cases to be heard.

**New Publican In Ballyduff**  
Mr Maguire, B.L. (Mr Carroll, Solr) applied on behalf of Mrs Sheila Barry Main St Ballyduff for an ordinary excise license. He said that when his client purchased the premises in 1937 it was licensed but she allowed it to lapse due to family reasons. The total population of the place was 2034 and it had become very progressive during the last few years. There were only 3 licensed houses there at present.

Dr Counihan State Solicitor said that he would put forward the standard objection that there was a sufficiency of houses there already.

Sergt Browne, G.S. Ballyduff said that the premises were splendid and the applicant was a reliable person.

Having heard applicant and her husband on the progress made in Ballyduff his Lordship granted the license.

**Entertainment Licenses**  
Renewals of entertainment licenses were granted to Mr John Scanlan Main St Lismore proprietor of the Happydrome and to the Cappoquin Rowing Club for the Boathouse.

Mr Farrell, solr and Mr Lanigan, solr, made the applications.

**Workmen's Compensation**  
David and Mary O'Keeffe an aged couple from Templevalley Tallow entered a claim for damages against John Condon, farmer same address for the loss of their son who died as a result of injuries received when employed by defendant.

Mr D'Arcy B.L. (Mr Carroll solr) made the application and Mr Maguire B.L. defended.

Mrs Mary O'Keeffe said that her husband and herself were old age pensioners. Her son who was a bachelor and aged 36 years worked with Mr Condon. He lived and with them and

maintained them until April 15th last when he had an accident. He was found one morning in a cowshed with his spine and skull fractured. It was surmised he had fallen from a loft overhead. He had been working with defendant for 14 years and had received 27/- a week and also had free firing and the grazing of two goats, two sheep and a donkey. Her son never drank nor smoked and would spend only about £1 a year. He always gave her his wages and she kept him. He had no intention of getting married.

For the defence it was stated that as both were in receipt of the old age pension they were only partial dependents.

Judge Sealy—Judging by the character Mrs O'Keeffe has given her son they have suffered a big loss and they would have benefitted largely had he survived as he was not seemingly inclined to get married for a good while. I think £75 each would be a reasonable sum to award and I make an order for that amount and costs.

**Sale Confirmed**  
In the case of Patrick McCarthy, Barrack Street, Cappoquin, v Ellen O'Driscoll, do, and others his Lordship confirmed the sale of the lands of Tournaraheen, the property of the late Thomas Curran, for £70 which was stated to be a fair price.

A fee of £5 was allowed to Mr David Noonan Auctioneer, Lismore who conducted the sale.

**WEDNESDAY'S HEARING**  
**Ejectment**  
Mr MacDonald B.L. (Mr Williams Solr) applied for an ejectment order on behalf of Mr Richard Russell Seafeld, Bonmahon against Catherine and John Walsh same address. There was no defence.

Applicant in evidence said he was Master of the Waterford Hounds and a farmer. On a cottage on his lands a caretaker named Patrick Walsh husband of Catherine Walsh and father of John Walsh lived until he died in November, 1943. He now wanted the cottage for another labourer.

His Lordship granted the application.

**Probate Case Takes Whole Day To Decide**  
An interesting probate action in which Patrick Hurley, Killishal Cappagh executor, sought to have a will made by William Browne deceased of Ballytrishane on April 24th 1944 admitted to probate and which was contested by Maurice Hubbard, Ballytrishane, who was beneficiary under a will dated April 3rd, 1944 made by deceased was next heard and occupied the entire day until close on 7 pm when his Lordship gave judgment.

Mr Maguire B.L. (Mr Williams, Solr) was for Hurley and Mr Ashley-Powell B.L. (Mr Kenny, solr) was for Hubbard.

Outlining the salient points Mr Maguire said that the late William Browne died on May 4th last aged 81 years. He had been born at Ballymacmague and went to America later returning about 45 years ago. He then married a girl named Mary Kiely whose father had a farm at Ballytrishane where he went to live. The father died about 30 years ago and both then continued to live there as owners. There were some children born but all but one died at birth. This daughter Nora survived but died in 1937. Her mother had predeceased her and old Browne was left alone.

The defendant Maurice Hubbard was a workman on the land for over 25 years and there is no doubt but he did render good service to the deceased man and there was a close relationship between them. The two lived in the same house and slept in the same room. The old man was in good health until March 9th last but then took ill and got paralysed in the right side and took to the bed and never got up. On that date Dr Cusack attended deceased and formed the opinion that he was an hospital case but the old man was reluctant to go. On March 10th Dr Cusack got a message to come out and bring Mr Williams Solr. He came and brought Mr Williams' represen-

(Continued on Page Six)

**SALES BY QUEALY & BALLOT,  
FOR SALE BY PRIVATE  
TREATY.**

**GLENBEG**

2½ miles from Dungarvan, Co Waterford  
An exceptionally fine residence on 75 acres of well-wooded land Splendid View of Dungarvan Bay

Quealy & Ballot have been instructed by the owner Mr Patrick Walsh to sell by Private Treaty, the above Superior Residence and 75 acres of good land, held in Fee-Simple subject to Land Commission Annuity of £14 6s 2d - P L V on all the Houses and Land £56 15s

This fine Residence approached by a Carriage Drive, is set amidst a profusion of Ornamental Trees and Shrubs contains—Drawingroom Dining-room, 4 Bedrooms (large) 3 Bedrooms (small) Bathroom (R & C), Lavatory Kitchen, etc Water laid on, Greenhouse off Drawingroom Stone Fountain on Lawn in front of of hall-door Good Stables etc

2 small houses on holding let for £4 18s 6d and £2 12s per annum

The Land is well-timbered with Larch and Fir and ample supplies of firewood Constant running water

Special attention of intending purchasers is directed to this lovely home by the sea and inspection cordially invited

For further particulars apply to—

**MESSRS E. A RYAN & CO,**  
Solicitors Dungarvan or  
**QUEALY & BALLOT, MIAA,**  
Auctioneers & Valuers,  
Dungarvan

**AUGHAVOLIMANE, BALLINA  
MULT, CLONMEL.**

**AUCTION OF GRAZING AND  
TILLAGE**

Undersigned are instructed by Mr Patrick Griffin of Aughavolimane to sell by Public Auction on the lands on Tuesday 18th November, 1944, at 1.30 p.m. (O.T.)

40 acres of Grazing and Tillage in suitable divisions  
**QUEALY & BALLOT, MIAA,**  
Auctioneers and Valuers,  
Dungarvan

**PRELIMINARY  
ANNOUNCEMENT**

**BEWLEY, CAPPOQUIN**

Magnificent Farm of 52 statute acres with splendid slated Dwelling House and Out offices thereon, situated within 3 miles of Cappoquin Also horses cattle implements hay roots etc at an early date.

Full particulars later  
**MICHAEL F WALSH, P.C**  
Auctioneer & Valuer, Cappoquin

**NOTICE**

Strayed from the Golf Links Ballinacourty 8 mountain sheep last seen around Lacken Any news of them will be thank fully received by Liam or Vinny Morrissey, Victuallers Dungarvan

**WM. O'DONOGHUE  
BUILDING FUND**

**PER MR P NAGLE,  
BALLINAMULT**

J Condon Knockmeal	1	0	0
P Nugent Lisleagh	1	0	0
10/- each—R O'Donnell Bool			
aronteen Wm O'Brien Ballin			
gulkee J Nugent, Tournaneena			
7/6—J Kirwan Knockmeal			
6/-—T McGrath Ballinamult			
5/- each—W Halley, Tourna			
neena M Connors Ballinamult			
4/- each—D Kieley, Caherna			
leage Mrs O'Keefe, Clonegale			
3/-—Ed Ryan Ballinamult			

**WATERFORD CO COUNCIL  
(Public Health Section)**

**COTTAGES TO LET**

Applications from Agricultural Labourers (as defined by the Labourers Act, 1935) are invited for the tenancies of the following Cottages, viz—

Youghal No 2 Rural District (Rent Collector—Mr John Broderick)

33 Ballinamultina  
Youghal No 2 Rural District (Rent Collector—Mr Justin Condon)

151 Coolbeggan  
Applications must be made on the official form to be had from the Cottage Rent Collector of the District and must be addressed to Mr Michael Flynn at his Office County Home Dungarvan, so as to reach him not later than 12 o'clock (noon) on Tuesday the 21st November, 1944

**S J MOYNIHAN,**  
Co Manager

Dungarvan  
8th November, 1944

**SALES BY  
JOHN CONDON & SON**

**Tinnock, Kinsalebeg, Co.  
Waterford**  
3 Miles from Youghal

Important Auction of a very choice and valuable Residential Farm of 148 acres 3 roads 28 perches with well-appointed Residence Haybarn and Out offices

Extremely Low Revised Annuity of £16 6s 0d Poor Law Valuation—Land £82 Buildings £4 10s 0d

Also the superior Household Furniture Pony Two Traps Harness and Miscellaneous Effects

John Condon & Son have been instructed by Mrs Margaret Hynes (who is retiring following the recent demise of her husband) to sell by Public Auction on the Lands at the hour of 12 noon (S.T.) on Thursday, November 16th 1944

Immediately after the Sale of the property and on the same day the Superior Household Furniture will be sold also the Outside Effects comprising—Well-trained Pony 2 Traps Set of Driving Harness Small Farm-yard Tolls Ladders Stepladder 4 Metal Garden Seats Metal Garden Table Ornamental Flower Pots and a variety of Miscellaneous Property

Full particulars at Sale or on application to—

**MESSRS J HODNETT & SON,**  
Solicitors Youghal or to  
**John Condon & Son,**  
**M.I.A.A.,**  
Auctioneers & Valuers  
Youghal.  
(Estab 1869)

**WATERFORD BOARD OF  
PUBLIC ASSISTANCE**

**SUPPLIES WANTED FOR  
COUNTY HOME AND DISTRICT  
HOSPITAL, DUNGARVAN, AND  
COUNTY HOSPITAL, WATER  
FORD**

Tenders are invited for the supply of the following commodities—

- (1) About 3 tons of dry oaten straw to be delivered as required to the County Home Dungarvan
- (2) Good sized sound eating potatoes at per ton to be delivered to the County Home Dungarvan from 1st December 1944 to the 31st May 1945 (about one ton per week required)
- (3) From 15 to 20 tons good sized sound eating potatoes to be delivered at the County Hospital, Waterford

Tenders containing the names of two solvent sureties willing to join the person tendering in a bond for the due performance of the contract must reach my Office County Home Dungarvan not later than 12 o'clock (noon) on Tuesday the 14th November 1944

The lowest or any tender not necessarily accepted  
By Order

**MICHAEL O FLOINN**  
Runaidhe  
Oifig an Runaidhe  
Arus a Chonntae I nDungar-  
bhan  
31adh D'Foghmbhair 1944

**WATERFORD COUNTY  
COUNCIL  
(Public Health Section)**

**CARETAKER REQUIRED FOR  
BALLYGUNNETEMPLE  
GRAVEYARD**

Applications are invited for the position of Caretaker of Ballygunnetemple Graveyard at a salary of £5 per annum

Applications stating age and distance of residence from Burial Ground accompanied by testimonials should be lodged with the undersigned not later than 12 o'clock (noon) on Wednesday the 15th November 1944

Particulars of the duties of the Office can also be obtained on application  
By Order

**MICHAEL O FLOINN**  
Príomh-Oifigeach

**CO WATERFORD COMMITTEE  
OF AGRICULTURE**

**Winter Agricultural  
Classes, 1944/45**

Classes will be held at Aglish National School and Coolnasmeear National School and will be conducted by Mr D Hurley Instructor in Agriculture commencing in Aglish on Monday 13th November 1944 commencing at Coolnasmeear on Tuesday, 14th November 1944

The Classes will be held on two evenings a week commencing at 8 o'clock p.m. (Summer Time) and will be open to Farmers and those interested in Agricultural pursuits  
**J O'DWYER,**  
Secretary

Courthouse, Dungarvan

**Cappoquin New School  
Building Fund**

**45 DRIVE  
£11 IN PRIZES**

Winning Pair - - - - - £5  
1st Runners-up - - - - - £3  
2nd Runners-up - - - - - £2  
£1 to Householder where Win-  
ning Card is played

First Rounds can be played any-  
where

**SEMI FINAL AND FINALS AT  
C.Y.M.S. Hall, Cappoquin  
ON  
Sunday Night, Nov. 12th  
1944**

**CARDS - - - - - 1/- each.**  
Names of winners of 1st Rounds  
with Cash 6/- to be returned to  
**F. X. O'LEARY, N.T.,** Cappoquin  
or  
**M J SARGENT, P.C.,** Cappoquin

**Preliminary  
Announcement**

**AN ALL-NIGHT DANCE**

will be held in the  
**Happydrome, Lismore  
On Sunday Night  
December 3rd, 1944  
DANCING 10 p.m. to 4 a.m. S.T**

Music by the  
**BRIDESIDE SERENADERS**  
Full particulars later  
**J FIVES, Hon Sec**

**TURKEYS'**

**TURKEYS' TURKEYS!**

Wanted daily unlimited  
quantities of Turkeys,  
Geese, Chickens, Hens,  
Ducks, Pigeons, Rabbits,  
and Eggs

Highest Prices Paid  
**J. FOLEY & SONS**  
Egg, Game & Poultry  
Merchants  
DUNGARVAN

**WARNING**

**Misuse Of  
Labels**

The Public are warned against  
the misuse of the Port Wine  
labels of

**THE  
ROYAL OPORTO  
WINE COMPANY**

otherwise known as  
**"The Old Company"**  
and the **SHERRY LABELS OF  
PALOMINO &  
VERGARA**

of Jerez de la Frontera  
Any person found using the  
above labels other than for  
the bottling of the pure  
unblended Wines of the  
Advertisers will be proceeded  
against

K A A

**TRACTOR PLOWS**

Land Rollers,  
Plows, Pierce & Star,  
Corn Drills and  
Spring Tooth  
Harrows

Fittings for Ransome,  
Pierce, Star and  
Sellar Plows  
Asbestos Sheets at  
Reduced Prices

**ASBESTOS FLAT SHEETS  
FOR CEILINGS AND  
PARTITIONS**

**DENIS McCARTHY,  
BALLYDUFF**

**DUNGARVAN COW-TESTING  
ASSOCIATION**

**3rd ANNUAL DANCE**  
At TOWN HALL, DUNGARVAN  
On WEDNESDAY, NOV. 15th 1944

Music by BRIDESIDE SERENADERS  
—DANCING 9 p.m.—t

Bar by Thos. Power & Co.  
Snack Bar and Cycle Park

Admission (incl. tax)—5 -

C DEMPSEY, SHANDON P J MOLONEY -  
Hon Secs

**XMAS TOYS!**

LOOK OUT FOR THE BIG AND  
VARIED SELECTION WHICH WILL  
BE ON DISPLAY AT OUR  
PREMISES SHORTLY

**SHEEHAN, RYAN & CO.,**  
DUNGARVAN Phone 47

**Turkeys! Turkeys! Turkeys!**

WANTED DAILY UNLIMITED QUANTITIES  
OF TURKEYS HIGHEST PRICES PAID  
ALSO ALL CLASSES OF POULTRY, RABBITS,  
ETC.

**J. O'CONNOR & SONS**  
Egg, Poultry and Rabbit Exporter,  
CAPPOQUIN.

**WATERFORD COUNTY COUNCIL  
(Public Health Section)**

**COTTAGE PLOTS TO LET**  
Applications are invited for the temporary tenancies of the following Cottage Plots for tillage at the weekly rent of 9d viz—

Plot No	Townland	Holding on which Plot is situated.
245	Monadiha Dungarvan Rural District (Rent Collector—Mr Michael Dee)	Edward Power
258	Bohadoon North	Patrick Doyle
403	Carrowgariff	Thomas Keniry
404	do	do
405	Glen Lower	Mrs Alice Fitzgerald
406	do	do
407	do	do
418	Boolavonteen Waterford No 1 Rural District (Rent Collector—Mr M Sheehan)	Jeremiah Hackett
575	Ballygunneimore	Thomas J Widger
589	Ballygunnetemple	Mrs Elizabeth Power
590	Baristown	John Murphy
591	do	do
595	Coolbunnia	John Hanlon
601	Kilcullen Upper	Reps Edward Costello
609	Glebe	William Power
610	do	do
611	do	do
493	Kilmactomas Rural District (Rent Collector—Mr P Quinn)	John and Maurice Foley
472	Farrenalahessery	Patrick McGrath

Application must be made on the official form to be had from the Cottage Rent Collector of the District and must be addressed to Mr Michael Flynn at his Office County Home Dungarvan so as to reach him not later than 12 o'clock (noon) on Tuesday the 21st November 1944

**S J MOYNIHAN,**  
Co Manager

Dungarvan  
8th November 1944



**CAPPOQUIN NEWS**

**DISAPPOINTING START FOR FOOTBALL TOURNAMENT**  
The interesting football tournament which was advertised to open in the Sportsfield here on last Sunday proved a very disappointing affair owing to the failure of some of the teams entered to turn up for their fixtures, due to the inclement weather during the morning.

This tournament was organised some time ago by Captain R. Kinsella, O/C, Lieut D. Daly, and the other Officers and NCO's of the 7th Cyclist Squadron F.C. for the purpose of giving financial support to the New School Building Fund, and the Rev. T. Fitzgerald, P.P. had kindly offered a valuable set of medals for the winning team. What had promised to be two great matches were fixed for last Sunday—these being the 7th Cyclist Squadron v. Finisk Rovers and Blackwater Rovers (Dromore) v. Knockanore.

The military team arrived on the field in good time fully prepared to play their game, but it was then found that their prospective opponents, Finisk Rovers were unable to field a full team. Blackwater Rovers also attended but the Knockanore team failed to put in an appearance, so that the entire programme was completely dislocated.

The military team was therefore awarded the match against Finisk Rovers, while Blackwater Rovers were also awarded the match against Knockanore, which caused great disappointment to the public, as the day being beautifully fine two great games had been confidently expected.

In order to atone to some extent for this disappointment, the military team then agreed to play a friendly match against a mixed team from the Finisk Rovers and the Blackwater Rovers, and this, certainly, provided a very fast and vigorous game which resulted in a draw on the score of 1 goal 2 points each. Mr. Sonny McGrath, proved an impartial referee.

The falling through of the tournament as advertised, was a poor return for the kindness and sportsmanship of those responsible for organising it, to raise funds for the building of the proposed new Boys' School in Shanbally, but, as we understand, the 7th Cyclist team and Blackwater Rovers intend to play off the final on an early date, we hope this event will be so well supported as to compensate all concerned for the loss incurred over last Sunday's disappointment.

**THE PUBLIC CAN STILL HELP THE SCHOOL FUND**

Those anxious to help the School Fund in another way will be afforded a grand opportunity of doing so on next Sunday night when a big 45 Drive in aid of the New School Building Fund will be held in the C.Y.M.S., Mill Street, for which the substantial sum of £11 is offered in prizes. The prizes are allocated as follows—Winning Pair £5, 1st Runners-up, £3, 2nd Runners-up, £2 and a special prize of £1 to householder in whose house the winning card has been played.

These are very valuable and tempting prizes, surely, and should attract a large number of competitors from all parts of the town and parish. The first rounds can be played anywhere but the semi-final and final must be played in the C.Y.M.S. Hall on Sunday night.

For the convenience of those who may not have previously played the first rounds, it has been decided that the first rounds can be played in the C.Y.M.S. Hall on Sunday evening between 6 and 7 o'clock (S.T.) after which the semi-finals and finals will commence, and will be continued without interruption until the finish of the Drive.

Messrs F. X. O'Leary, N.T., M. J. Sargent, P.C., and Jack McCarthy, B.A., will be in charge of all the arrangements, and those who will have already played their first rounds should submit names of winners with cash for 6/- in all cases before the semi-finals are started on Sunday night, to either of the above gentlemen.

Full particulars will be found in the advt elsewhere in this issue.

**NEXT SUNDAY'S CAMOGIE CHAMPIONSHIP FINAL**

There should be a great afternoon's sport provided in the Sportsfield here on next Sunday when the final of the Co. Waterford Camogie championship will be played between Dungarvan and Knockanore. Both teams have displayed wonderful form in their various preliminary matches leading up to the final, so that the deciding contest between them on Sunday should be a thriller from start to finish.

From the interesting list and

history of the Knockanore players given by Miss M. Montayne, hon. sec. Waterford Co. Board, in last week's issue, there can be no doubt that the Knockanore team will be a formidable one to beat for the final, but, against this we cannot forget the marvellous defensive play of Miss Biddy McGrath, Dungarvan—in all her matches played in Cappoquin, while her sisters in the forward line have also proved "star turns" on every occasion. Miss Calt Flynn, in goal will be a very difficult custodian to pass, so that if the plucky young ladies from Knockanore can defeat such a strong and experience combination, they will deserve the heartiest congratulations of the entire Co. Waterford.

The game is to start at 3.30 (S.T.) and will be refereed by Guard J. Byrne, Lismore, who is a most efficient and impartial official for the job, so we trust the event will be favoured by fine weather and a dry fast sod, and if this is so, nobody should miss seeing one of the fastest and most scientific games played in the Co. Waterford this year!

**DEPARTURE OF CAPPOQUIN'S CAMOGIE CAPTAIN**

Miss Biddy McCarthy, who was elected Captain of the Cappoquin Camogie Club on its formation a few months ago, returned to England on last Saturday, where she has secured an important position in the nursing profession.

She had been in England previously, but was just home a short time before the Camogie club was started here, and being an enthusiastic and skilful follower of the sport, she decided to remain at home until the camogie season was finished for Cappoquin. She had the honour of being selected to play on the Waterford team in the three inter-county matches, once against Clare, and twice against Tipperary, played within recent months, and being a strong, vigorous player like Miss Biddy McGrath, Dungarvan, she acquitted herself very creditably in all three games, and also in the County Championship match against Dungarvan, which the latter won by the narrow margin of one goal.

Her younger sister, Eily, who was the brilliant goal-keeper of the Cappoquin team in their match against Dungarvan, and also in the two matches against Lismore and one against Aglish, all of which were won by Cappoquin, had left for Dublin some weeks previously, so that their departure will mean a big loss to the Cappoquin club, but the latter intends to still keep the sport going next season, as there are several budding recruits still amongst us who can be moulded into first-class players for next season, although they may not be quite as good as the missing Biddy and Eily, to both of whom we now wish the best of luck and prosperity.

**NOT THE FIRST GO. CHAMPIONSHIP**

It would be erroneous to conclude that the junior hurling championship was the first Co. championship ever won by Cappoquin, because the minor football championship of the Co. Waterford was won by Cappoquin in 1934 by a team named the "Shanbally Rovers," who were trained and led to victory by Mr. Paddy Dineen, Barrack Street, who has since retired from the G.A.A.

It was a happy coincidence, therefore that it was exactly ten years later, to the day, when the junior hurling championship was won, but we hope we will not have to wait for another ten years before the next championship is won for the town.

**LISMORE MEDAL TOURNAMENT**

The Cappoquin junior (or is it senior?) hurling team will play an important match against Lismore on the latter's ground on next Sunday week, 19th inst., in connection with the Medal Tournament now being run by Lismore club. Those who witnessed the great championship match played between Cappoquin and Lismore in the Sportsfield here about a month ago, which Cappoquin won, should avail of the opportunity of seeing the same two high-class teams meeting in a return game on the Lismore ground, so we hope there will be a big crowd present on the occasion as the Lismore Gaels deserve that this tournament should prove a thoroughly financial success.

**GRAND MILITARY PARADE ON NEXT SUNDAY**

In order to fittingly mark the departure of the 7th Cyclist Squadron from Cappoquin early next week, an imposing Parade of Military, L.D.F. and L.S.F. Forces will be held from Belmont Military Post to last Mass in St. Mary's Catholic Church on next Sunday, headed by a leading Pipers Band. The entire forces will march

back to Belmont Post after Mass, where all the NCO's and men will be hospitably entertained to a sumptuous dinner, with suitable refreshments, by a committee, representing the townspeople, while on Saturday night a special reception for the Officers of the Squadron will be held at "Conway's Hotel" by the L.D.F. and L.S.F. in order to show the cordial and friendly relations which had existed between the Military and the townspeople of all classes during the stay of the former in Cappoquin for the past three years. Sunday's public display promises to be a most impressive and spectacular one, and will prove what a bond of friendship and fraternity has existed between the Military and the civilian population of the town for the past three years.

A full description of the various functions will appear in next week's issue of the "Leader."

**GAELIC NOTES**

**SENIOR CLUBS**

(By "TAOSHLIN")

Waterford hurlers fresh from their victory over the All-Ireland champions will get a chance to avenge a championship defeat when they meet Tipperary at Dungarvan in the Four County Hurling League-Competition on Sunday, Dec 3rd. Candidly with one or two changes I would like to see the same team field out who defeated Cork in the Ignatius Rice Final. If we are to maintain our present position in the hurling arena we must certainly take this Four County Hurling League in earnest mood and now is the time to prepare for the Rocky Road to Dublin in the 1945 campaign. Like all Decla supporters I look forward to the meeting of the Waterford senior selectors who will select our team to meet Tipp at the Old Boro' on Dec 3rd.

Stradbally County Champions take on Dungarvan on Sunday next at Dungarvan in the Senior Football championship and judging from local reports this game should be a needle-affair. The champions are quietly confident of making it five in a row, but nevertheless, of late they have a healthy respect for the "Blues" who are heralded by keen judges as the coming team. Stradbally for three are six points up and a win on Sunday next would give them their fifth Co. Championship in a row unbeaten. To date they have accounted for the Army, Nire and Kilrossanty, whilst Dungarvan are four points down to the Army and Kilrossanty. Should the locals win on Sunday the championship will depend on the outcome of the Army v. Kilrossanty game on Nov 19th and Kilrossanty would want to win for the right to play off the decider against Stradbally.

For the benefit of those not conversant with the League system I give the League Table to date:

	P	W	L	D	Pts.
Stradbally	3	3	0	0	6
Kilrossanty	3	2	1	0	4
Army	2	1	1	0	2
Dungarvan	3	1	2	0	2
Nire	3	0	3	0	0

If the Army defeat Kilrossanty and Dungarvan beat Stradbally this would leave the Army v. Nire game to be played and a victory for the Army would see them contest the County decider against Stradbally.

On Sunday last I was an interested spectator at the Tullaroan v. Mooncoin game at Waterford for a set of hurleys the match, drawn, was a fitting result of typical Kilkenny hurling. The Secretary of the Eastern Board, Mick McCarthy, was conspicuous by his absence, but I am informed he is going Opera those days and he was not present owing to rehearsals for an opera in which he is to take a prominent part "The Royal Jester" is I believe a comic opera.

Congratulations to the Dungarvan minor hurling team on last Sunday's win over Mt. Sion in the Co. Final. This is their fifth successive County title a proud record which no team in the County or in the whole of Ireland can boast of. The secretary of the Mt. Sion team pays them a well deserved tribute when he says we were beaten by a great all round team who in time to come should uphold the proud tradition of the Dungarvan club.

Leaving this week-end for England is Rev. Fr. P. Lannen who for the past three weeks spent a well earned holiday in his native Dungarvan. Fr. Pat is more Gaelic than ever and he was an interested spectator at the Waterford v. Cork game. He was very pleased with our boys' display and he visualised great things in 1945. My travels during the week

**We Have Pleasure In Announcing That A Very Exclusive Selection Of Ladies Smart Coats For Winter Wear Have Just Arrived.**

**MULCAHY'S DUNGARVAN**

took me to Portlaoigh where I saw the beautiful silver cup which was presented to the Waterford Co. Board for senior hurling inter-county competition by Irish Tanners Ltd, Portlaoigh. Seen, Heard and Noted—

Sorry to hear that Garda Mick Moloney of the Kilrossanty club met with an accident recently. His many admirers, including the writer, wish him a speedy recovery.

My best wishes to the Dungarvan Camogie team who contest the County Final on Sunday next against worthy rivals in Knockanore.

**FOUR COUNTY HURLING LEAGUE**

A meeting of the Four County Hurling League Committee was held in the Metropole Hotel, Waterford on Sunday last, Nov. 5th. Mr. P. D. Breen, Wexford, presided. Also present were Messrs. P. Purcell, J. Egan (Tipperary), P. Phelan, R. Aylward (Kilkenny), T. Kehos (Wexford), C. Ware, J. Murphy and D. Good (Waterford). Stephen Roche, Secretary was also present. The committee decided to go ahead with the League on the same system as in 1943. D. Good, Waterford, asked were Cork invited to the meeting. Secretary stated he had not written Cork, but if the meeting decided they could be included in the draw.

Mr. P. D. Breen—We were thinking of asking Cork and Leitrim but this would entail travelling on a larger scale.

After a discussion the meeting decided to run the League between Tipperary, Kilkenny, Wexford and Waterford.

The following Draws and Fixtures were made:  
Wexford v. Kilkenny at New Ross on Sunday, Dec. 3rd at 3 o'clock. Referee—C. Ware

Waterford v. Tipperary at Dungarvan on Sunday, Dec. 3rd, at 3 o'clock. Referee—Jim Byrne, Lismore.

Wexford v. Waterford at Waterford on Sunday, 11th or 18th February, 1945, at 3 o'clock. Referee—C. Ware

Tipperary v. Kilkenny at Kilkenny on Sunday, 11th or 18th February, 1945 at 3 o'clock. Referee—E. Long

Wexford v. Tipperary at New Ross on Sunday, April 2nd, 1945 at 3 o'clock. Referee—C. Ware

Waterford v. Kilkenny at Kilkenny on Sunday, April 2nd 1945, at 3 o'clock. Referee—Phil Purcell, (Tipp)

The meeting passed a vote of sympathy to the relatives of the late Eddie Byrne, Kilkenny's All-Ireland player, who died recently. Also to Liam Cody, Kilkenny Co. Secretary on the death of his sister.

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G.A.A.

DUNGARVAN MINOR HURLERS WIN THEIR FIFTH TITLE

Dungarvan, 9-2; Mt. Slon, 3-4

At the Gaelic field, Dungarvan on Sunday last, before a good attendance and under ideal weather conditions...

The Game. From the throw-in, Mt. Slon pressed and were awarded a free in the left wing which was sent well in and the eastern forwards made no mistake when they crossed the net...

On resuming play Mt. Slon pressed but Frank Hogan, J O'Connor and J O'Brien, broke up raid after raid and after ten minutes Dungarvan's sixth goal was added...

Mr. M. V. O'Donoghue, B.E., Chairman Co Board was a sound referee. The teams were: Dungarvan - E Phelan, J O'Connor, M O'Connor, J Kiely, J Duggan, F Hogan, D Barron, N Power, M Wade, J O'Brien, D Deasy, P Donnelly, Morrissey, F Curran, T Barry, Mt. Slon - R Cooper, P Doyle, P Grimes, T Halligan, P Hayden, W Power, C Condon, S Creed, D Wyse, T Keane, T Verker, S Power, W Mulcahy, E J O'Leary, J Kirwin

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PRESENTATION OF L.D.F. TROPHIES

Enjoyable Social Function

On Sunday evening last a very enjoyable dinner and social was held at Egan's Hotel, Dungarvan, by the Dungarvan District Staff L.D.F. on the occasion of the presentation of trophies to the Communications Section (winners of Area Competition) and Dungarvan No 1 Platoon (winners of District Competition)...

The toast of "Eire" by Mr James Mansfield having been duly honoured, Mr. A. R. Farrell, District Adjt, proposed the toast of "Our Guests" during which he paid high tribute to each of the guests and said they were all sorry that Very Rev T. Canon O'Brien, P.P., V.F., was unable to be present...

Comdt T. Crofts proposing the toast of "The Dungarvan L.D.F." said that the men here were as good as could be found in the Southern Command, they had proved loyal and true. He said the country does not realise the debt it owes to the L.D.F. in Dungarvan and elsewhere...

District Leader James Mansfield in his reply said that the L.D.F. was in existence for four and a half years even though the most optimistic people only gave it 12 months at the start. Its success was due in so small way to the administrative staff at G.H.Q. He thanked the Officers, NCO's and men of the 21st Batt. and said that if the L.D.F. were ever called on they would give a good account of themselves...

The toast of "The Army" was proposed in Irish by DP & TO R Keating, during which he paid high praise to the great work done by the Army. Comdt S MacCurtain replied. During the speeches the speakers were loudly applauded. Following this concert items by members of the guests and L.D.F. were given. The special Souvenir Programme designed and printed by the "Dungarvan Leader" was highly praised. The attendance besides the members of the L.D.F. also included Rev Bro Murray, Super-

lor Christian Brothers; Mr Morrissey, T.D., Senator John Butler, T McCarthy, Chairman UDC, S J Moynihan, Co Manager, Supt P O Mahony, M C Nagle, Editor "Dungarvan Leader", D Power DSO 1, L.S.F. and D J Phelan, Red Cross.

The stewarding was admirably carried out by Mr E. J Keyes, C.Q.M.S D O'Doherty, J J Meany and J Cartwright. Mr Sean Norris lead the community singing on the piano.

Catholic Scout Notes

4th WATERFORD TROOP C.B.S.I. (St. Joseph's Abbeyside)

Hello! I am back at the front again after a short holiday and I wish to thank "TTS" for last week's instalment. I'm sure you enjoyed the chat with him - an obliging fellow that "TTS"

Troop Meeting The programme this week was arranged by the SM except for the games which were the PL's headaches. That game with the whiskers on "Yes or No" was played first. Two teams lined up facing each other. A statement was called, then a number and a scout ran to the "yes" or "no" end if he thought it right or wrong. Things went well until the SM gave out a few statements with weird sounding words ending in "phobia" or "summat" - as Jack Blunt would say. There should have been a chair in the middle for these questions with something like "come again" or "never heard of the darn thing" on it. This game should have a new name like "SI, SI" and "No-No".

For a first aid test Patrols were given strips of paper on which to write requisites for a first-aid kit. The papers were put on chairs and patrols lined up facing them. An injury was described and a Scout from each Patrol took the paper items needed to treat the wound and placed them in the proper order on the stage - at least that was what each Scout was expected to do. There was a brief examination in General Knowledge tonight and the results were just "good enough". Many Scouts had good receiving sets - transmitters were a bit weak. "Gathering plums" was played as a warmer. Two teams - at "go" No 1 ran round a chair at end of room and back to starting point where No 2 coupled and the performance was repeated until the whole team ran the course together.

Dispatch This is from the Commissioner for Patrol Corners who must have inspected our Den through a window on the bird's-eye-view system. "General report fair - don't have everything hanging on one nail. The first-aid press at the stove side promises to fall on somebody's head - somebody has been lifting the pins used by the Wolfhounds to hold up their Scout Law Lists. Fr Crotty does not look pleased with his position - would prefer to be in a tight corner with a lot of Scout gadgets and things - expect much improvement on next visit."

General - We heard about a certain Scout who likes to do a job a little at a time at certain times. Such as delivering a dozen of eggs two at a time and another journey with the bag (to bang outside the door). Of course it might have been the hens who were really doing their job by instalments. P.L.s Owen and James turned up tonight but did not bother about the welcoming ceremony. A certain person looks rather tied up lately - what will happen if the harness breaks? Does a Scout have to know Latin to explain the Scout Watchword or is it the same in any language.

Parade - Confraternity Parade will be held next Sunday and we expect a good attendance at the Den by 7.45 a.m. We will have a special eye for the weaklings who missed the last Parade. K.E.s - The K.E. Clan will meet on Sunday at 11.30 a.m. and will take this as official notice. It is reported that there are a few rough ends to be hemmed in. "PANTHER"

DEATH OF PRIESTS BROTHER

Mr Edward Power, farmer Rathgormac who has died, was brother of Rev D. Power P.P., Kiltrossanty. Rev M Power C.C., Clonmel, and Rev D Power, C.C. Dungarvan. We join in extending sincere sympathy to the above clergymen in their bereavement.

DUNGARVAN COURSING CLUB

Persons desirous of supplying live hares to the Dungarvan Coursing Club should apply immediately for permits to catch same to the Hon. Secs

— LOWER PRICES AT — Edward Berestord's LOWER MAIN ST., DUNGARVAN For SUITINGS, SUITS, SHIRTS, BOOTS and SHOES. Samples, Tossed & Soiled Goods at Reduced Prices. SPECIAL VALUE IN HEAVY BOOTS & OVERCOATS. EDDIE BERESFORD'S, The Bargain House For Small Profits

WE STILL BAKE THE BEST O'BRIENS MODEL BAKERIES, PATRICK ST., WATERFORD

Late Mr. M. J. McHugh, St. Patrick's Terrace, Abbeyside, Dungarvan

The death of Mr M. J. McHugh, St. Patrick's Terrace, Abbeyside, Dungarvan, which occurred at the District Hospital Dungarvan, early on Saturday morning last, Nov 4th, has been the occasion of very sincere and genuine regret amongst the entire population of Dungarvan. He had been removed to hospital on the previous Tuesday where he underwent a very serious operation and despite the best of attention he never recovered. His demise is an immeasurable loss to the town in many ways but most of all his passing has meant a sore blow to the Dungarvan Brass and Reed Band of which he was bandmaster. By his care attention and guidance during life he succeeded in bringing the band to a high peak of perfection and his aim was to make accomplished musicians of his pupils, just as he was himself. In ordinary life he was a quite unassuming personality and was employed at time-keeper at the Dickens Leather Factory.

At the removal of the remains on Saturday night to St Mary's Parish Church a most imposing cortege attended. Headed by the band which he trained for so many years, but on this sad occasion under Mr Michael Clancy, playing the dead march, the funeral included a Guard of Honour of L.D.F. of which he was a member and people representative of all classes and creeds.

The coffin, draped in the tricolour was received at the Church gates by Rev J Corbett, C.C., assisted by Rev P Farrell, C.C., who had walked in the funeral from the District Hospital.

On Sunday after last Mass the burial was made in the new cemetery adjoining St Mary's in the presence of another large gathering of mourners and sympathisers. The band again attended and played the dirge for their dead leader. Rev Fr P Farrell, C.C. read the prayers at the graveside.

The late Mr McHugh is survived by his son Mr C McHugh to whom the deepest sympathy is extended in his great loss.

Connradh Na Gaedhilge BRANCH FORMED IN CAPPOQUIN

A very successful meeting organised by Messrs Sean Kennelly and Thomas Lincoln, NT was held at the Library, Cappoquin, on Friday night, 3rd Nov. for the purpose of forming a branch of the Gaelic League. Invitations had been sent to the Defence and Sports Associations the Garda, Teachers' Technical, Secondary and Primary - and the schools asking them to send representatives to the meeting, and the response was magnificent. Mr T. Lincoln presided, and in a short address in Irish and English, explained the objects of the Gaelic League and pointed out the success of the Danes, the Finns, and the Czechs in solving their language problems, and asked why should we fail where they succeeded. A branch of the League was then founded with the following officers and committee - Patron - Rev. T. Fitzgerald, P.P.

Uactaran - Sean O Corraoin, B.A. Les Uactaran - Tomas Lincoln, NT. Runaidhe - Sean O Clonmhaol-leadh. Cisteoir - Eibhlis Nie Suibhne, NT, and the following Coliste Mrs Sean Corraoin (Cumann Ceoil) Miss Piendergast, Mrs O'Connell, and Mrs McSweeney, (NT's), Miss O'Gorman and Labhras O Cadhla (Technical); Miss Sheehan B.A., and Mr J McCarthy, B.A. (Secondary); Garda - Sergt Browne, and Guard O'Leary L.S.F. - Mr M J Sargent, P.C. and Mr Sean Bell, L.D.F. - Mr F X O'Leary, NT, and Mr T Conway, G.A.A. - Mr J Greene and Mr P Cunningham, Camogie Club - the Misses S Browne, and P Sargent, Cappoquin Rowing Club - Mr M J Sargent (Junnr), Badminton Club - Miss M Ahearne, Scoll na gCeard - Mr Frank Walshe Old IRA - Mr T Kelleher and Mr S Ross.

After the formation of the Coliste a discussion took place and proposals were made for the formation of language classes, a choir and a ceilidhe band.

A further meeting of the Coliste will be held on Saturday night, the 11th Nov at 8.30 p.m. at the Library, when the proposals put forward will be discussed in detail. Arrangements will also be made for a meeting at which there will be a "Ceid Mile Falte" for all who are willing to help the Language and kindred movements in any way.

Fortune sometimes shows us the way, but it is energy that achieves success.

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WANTED—Land Roller Offers and particulars to Hon Secretary Dungarvan Golf Club...

FOR SALE—A small quantity of used motor oil at 4/- per gallon also one 8 gallon tank...

BIRTH—O'NEILL—On 30th October at St Jude's Nursing Home...

DEATH—BARRON ROCHE—Nov 2nd at Bon Secours Home Cork Michael Barron Roche (aged 23 years) beloved son of the late Thomas Roche...

ACKNOWLEDGMENT—MALONE—Mrs Margaret Malone and family Ballinaha Tallow wish to return sincere thanks to the many kind friends who sympathised with them in their recent bereavement...

IN MEMORIAM—FRAHER—(Third Anniversary)—In loving memory of Kit Fraher Bleantis who died Nov 11th 1941...

Our 'Phone No—Dungarvan 55 Dungarvan Leader SATURDAY NOV 11 1944

News Of The Town And Round About

WEDDING—On Wednesday last Nov 8th, a very pretty wedding was solemnised at Rathgormack Parish Church when Mr Michael Murphy NT Modeligo NS was married to Miss Kitty Curry Monadhia Rathgormack...

THE STRIKE—The strike at the Dickens Leather Factory Dungarvan still continues with no prospect of a settlement...

DEAN RYAN CUP—We congratulate the CBS Dungarvan, on winning the first round of the Dean Ryan hurling Cup competition after a keen game against St Augustine's College Dungarvan...

LATE MRS M FLAHAVAN—We regret to record the death of Mrs Mary Flahavan, Fitzgerald Terrace Dungarvan which took place on Sunday Nov 5th...

COIR ABANN MÓIRE—An Ghaedhilg i gCeapach Chuinn Istoidhche Dé h-Aoine seo caithe do tionóladh cruinniu sa leabharlann i gCeapach Chuinn chun craobh de Conradh na Gaedhilge do bhunú san áit...

OPENING ANNOUNCEMENT—We direct attention to the announcement in this issue of the new Stationery, Fancy Goods and Toy Shop opened at 10 Main Street Dungarvan by Miss M J O'Meara...

SYMPATHY—We join with his many friends in expressing our sincere sympathy to Mr James Wilkinson M & L Bank Dungarvan on the death of his father Mr Wm Wilkinson Main St and Rock Abbey Glanworth Co Cork which sad event occurred on Tuesday last Nov 7th...

DUNGARVAN S.F. CLUB—The following members of the Dungarvan senior football selection are requested to be at the Gaelic field on Sunday next the 12th Nov at 3 pm sharp for final round of Co Championship versus Stradbally—P Langan D Good J Good P Molahey L Clotty J Mountan P...

Stack T Donnelly, T Cashin W Barron W Hosey, P Dillon J-Kiely M-Tobin P Butler, J Barron M Wade D Barron, T Dalton, J Dwyer M Landers J Lyons Lach member to have togs and boots HELD OVER—Due to pressure on our space this week some items had to be held over Moorehill and Tallow Notes also Lismore Notes did not arrive up to time of going to Press—Ed DL

VIEWS OF OUR READERS THE STRIKE

(To The Editor) It is high time that somebody should intervene in the unfortunate strike at the Dickens Leather Factory. In the absence of a Conciliation Board I would suggest that concerted action on the part of our six Local Representatives in the Dail and Senate be given a trial. Let the Parties to the dispute submit the points at issue to the considered judgment of these Representatives and I have no doubt that they on their part will be quite willing to lend a helping hand in a matter that must vitally concern the community at large if allowed to drag on much longer "A Hurler on the Ditch"

Western Divisional G.A.A. Notes (By AN RUNAIDHE)

All Quiet—With our championships finished there is very little in G.A.A. news at present. Things will be quiet until the new year when all the clubs will be getting their togs and hurleys down for 1945. It looks as if next year will see a big change and our activities will be much greater than those war years just passed.

Dungarvan Minors Win Again—By defeating Mt Sion in the Minor Hurling Co Final Dungarvan have set up a new record for minor hurling. They have now secured their five in a row. I would make a bet this record will never be broken except they break it themselves. The game was worthy of the minors of the County. Mt Sion although beaten played beautiful hurling and they are a coming minor team. Dungarvan gave such a display of hurling that it brought applause from supporters of both teams. Congratulation Mt Sion on a game display and Dungaivan on a great victory.

On the Track—A certain father of one of the Mt Sion hurlers who did not believe Dungarvan could field such a great team and keep under the age limit was making quiet inquiries in the Old Boro recently. The fun of the story is that he commissioned a certain police officer (noted for his ability as an investigator) to get him some dope Jack had a great laugh I am sure he must have sent on the 18 birth certificates with his compliments.

New Blood in Dungarvan—Welcome to Garda O'Neill and Bailey who are on "Strike Duty" in Dungarvan. Garda Bailey is a nephew of the famous D J Bailey from the Kingdom. It looks to me that he would be a likely player for Dungarvan next season. Garda O'Neill plays with the famous Tullaroan hurling club and is anxious to yield the ash for Dungarvan. Stranger things than their wishes coming true have happened as both those boys stand a good chance of becoming brother-in-laws to a number of famous Old Boro stars. All the best lads.

Coir Abann móire

An Ghaedhilg i gCeapach Chuinn Istoidhche Dé h-Aoine seo caithe do tionóladh cruinniu sa leabharlann i gCeapach Chuinn chun craobh de Conradh na Gaedhilge do bhunú san áit. Bhi Tomás Neancól OS sa chathaoir. Do mhíng sé aidhm an chruinnighthe do na daoine a bhi láthair agus bhi sluaigh mor ann. Bhi daoine ann ó'n LDF os na Gárdal GAA Muinteóirí Scol Iucht Leadóige Sean IRA an Cumann Rámhuíochta agus i l Dubhalt an cathaoirleach gurab é abh uatha ná na daoine a raibh spéis aca so Gaedhilg do thabhairt le chelle i gCumann mór láidir chun ceist na Teangan agus an Ghaedhlachais do chur chun cinn san áit. Do pléidheadh an-chuid molta a dheim cuid do lucht an chruinnighthe agus annsan nuair do mhíngheadh cósus agus aidhm Chonradh na Gaedhilge do bhnuig.

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Strike Fund (A.T & G.W. Union Dungarvan Branch) The Committee decide to acknowledge with thanks the receipt of £20 2s 6d subscribed to date. Subscribers will be sent receipt by post within the next week.

HAPPYDROME, LISMORE, TALLOW LAWN TENNIS CLUB Presents "THE DOWN EXPRESS" (COMEDY) AND VARIETY ENTERTAINMENT ON SUNDAY, NOVEMBER 12th, 1944 DOORS OPEN 8 PM (ST) DANCE TO FOLLOW MUSIC BY THE BRIDESIDE SERENADERS BAND

CAMOGIE COUNTY FINAL Knockanore -v- Dungarvan TO BE PLAYED AT CAPPOQUIN ON SUNDAY, NOVEMBER 12th, 1944 At 3.30 p.m. (S.T.) Referee—Guard J Byrne (Lismore) ADMISSION . . . . . 6d. and 6d.

headh chaobh de agus do toghadh Oifigil agus coiste Do toghaid an tAthair MacGearalt SP, mar Phátrún, Seán ó Cuirrin BA, mar uachtarán, Tomás Neancól, OS mar leas-uachtarán Seán ó Cionnaolaidh mar runaidhe agus Eilís Nic Subhne mar chisteoir.

Beidh cruinniu ag an gCoiste sa leabharlann istoidhche De Satharn 11/11/44 ar 8.30 a chlog.

Tobradh na Talmhan i mBlíad na Chluithneacht Balneadh barr maith di ins na ceanntair Deirtear gur fearr a dheim na feirmeoirí aiste i mBlíadna ná mar a dheimeadar anuraidh.

Colce. Tá an colce an-raidhsuil, ach níl an bheatha ceadna innte agus a bhi anuraidh. Bhi an bhliain ina coinneibh pe scéal é, agus níl raibh siol na bliadna anuraidh thar moladh beirte. Níl aon-ghlaodhach ag na ceannuightheoirí ach ar an gcuid is fearr de agus is baoghal go mbuid go leor de ná beidh aon cheannach mór air.

Prátaí Is fada fos go mbeidh andéire sainte ag na feirmeoirí, mar níl an aimsir chuide Tá barra maith díobh ann ach tá siad ag dreoghadh agus ag dubhchant in áiteanna. Dá chómhartaí san féin is daor an ceannach iad ar dhá scilling an chloch.

Blatas Tá an barra go maith ach go bhfuil alán paist breaca ins na guirt mar ar mheathluig an siol.

Talamh Coinnigh Tá cuid de sa feirmeoirí tosnuighthe ar an treabhad le tamall. Níl baoghal go mbearfar ina gcoildadh ortha san.

Sceim Feabhachán Feirmeacha Chuir cuid mór feirmeoirí isteach ar an deontas i dtosach na bliadna agus do ghlac an Rialtas le furchor na n-arratasai. Bliod a's ná raibh agus ná fuil an aimsir in ádhbaraidheacht mar sin féin tá an-chuid oibre á chur i gcrích go mór mhór togáil chladh thacha agus saothru droch-thalamh.

Ceildhe i dtulach an taramn

Strike Fund (A.T & G.W. Union Dungarvan Branch)

The Committee decide to acknowledge with thanks the receipt of £20 2s 6d subscribed to date. Subscribers will be sent receipt by post within the next week.

SUBSCRIBE NOW TO THE XMAS WEEK STRIKE FUND

Subscriptions will be accepted by P Power, Mitchel St, Branch Chairman, M O'Connor, St Garvan's Tce, Strike Chairman, P Ryan, St Brigid's Tce, Strike Sec, T A Kyne, Abbeyside, Branch Sec

Bhi sluaigh mór ag an gCéilidhe istoidhche Dé Domhnaig, agus bhi an focal molta i mbéal gach aoimne ina thaobh. Tá cáil mar dheagh-rinnce ag mhuintir an Tulaigh.

L.D.F. CAPPOQUIN GRAND ALL-NIGHT DANCE (in aid of Comforts Fund) In the Boathouse, Cappoquin, On Sunday, Dec. 17th 1944. Admission . . . 3/- DANCING 10 pm to 4 am Music by BRIDESIDE SERENADERS Catering by Mrs Colbert.

L. S. F. DANCE At St. Declan's Hall, ARDMORE On Sunday Next, Nov. 12th 1944 DANCING 10 pm to 3 am Music by STEVE SHEEHAN and his Band Admission . . . 2/6 CEAD MILE FAILTE GO LEOR

OPENING ANNOUNCEMENT MISS M. J. O'MEARA Wishes to announce to her friends and the general public that she has now opened A HIGH-CLASS STATIONERY, FANCY GOODS AND TOY SHOP At 10 Main St., Dungarvan Also Licensed Premises attached Patrons are assured of the best possible service

LAST 3 NIGHTS The Celebrated BAILEY COMPANY At the Town Hall, Dungarvan Complete Change of Programme Nightly Look out for Sunday Night's Special Programme

### DUNGARVAN CIRCUIT COURT

(Continued from Page 1)

tative Mr Jack Tobin and a will was made which left everything to Martin Hurley Tig Aluinn Hotel Ardmore, a first cousin Patrick Hurley, Killishal, another first cousin was appointed executor and £80 was left to Hubbard and other legacies to others which totalled about £200 This will was made when he had not seen either of the Hurleys for many months On April 3rd this year Mr Kenny, Solr, and Mr Jack Donovan were sent for and a new will was drawn which almost reversed everything and all was left to Hubbard except a sum of £120

On April 21st Dr M Casey Dungarvan visited Browne and as a result deceased was brought by ambulance to the District Hospital, Dungarvan, on April 22nd On that following Monday April 24th Mr Tobin got a messa e fr

o man wanted to make a new will and he went out about 12 15 p m but found he was not well He went back about 4 p m and then found him quite capable and after a long discussion a new will was drawn which left the farm stock and effects to Martin Hurley and a sum of £250 to Maurice Hubbard

It was stated that the extent of the farm was 54 acres with a substantial dwelling house

Mr Jack Tobin in evidence said I have been a clerk at Messrs Williams Solr for over 18 years and have drawn hundreds of wills On March 10th this year Dr Cusack rang up and asked for Mr Williams, but he was away He told me a man named William Browne wanted to see him to make a will and I said I would go out A Miss Hubbard then came to the office and said I was to go out She said there was a lot of wages due to her brother, Maurice, by Browne

I went with Dr Cusack to the house and Hubbard was in the bedroom when I got there I asked him to leave and then took instructions from deceased We arrived at a sum of £80 for Maurice Hubbard the farm was left to Martin Hurley but nothing to Patrick Hurley, as deceased said he was well enough off I then wrote out the will, read it over to deceased and he put his mark to it Shortly afterwards we came home

I again attended on deceased on April 24th at the District Hospital, Dungarvan having got a phone message from Dr Casey that Browne wanted to make a new will I found deceased in the "Surgical" ward but he was "heavy" and inclined to wander and in a comatose state I saw he was tired and said I would come back later and he said that would be better I went back about 3 p m and he was then in a private room I met Patrick Hurley in the hall and he took me to the room and then left I read over the will of March the 10th to deceased and then took fresh instructions After a long discussion I found he still wanted to leave the farm to Martin Hurley and he said he wanted Hubbard to have his wages and a little more and decided on a sum of £250 Other legacies were settled and I got Paul Brennan the porter to witness the will On coming out I met Supt O'Mahony who said he was investigating the reported forcible removal to hospital of William Browne I brought in the Superintendent and asked Browne in his presence if he was satisfied with the contents of the will and he said he was The Superintendent then asked deceased who would look after the farm and I said Martin Hurley was the right man and deceased said "yes" but that Hubbard and the maid should be kept on I then went back to the office and made a memo of what had happened

Mr Ashley-Powell—You know that deceased was never a client of Mr Williams?—Yes

Did this Miss Hubbard or Mrs Isdell as she is instruct you that what they wanted was an acknowledgment from Browne of the wages owed to her brother Maurice?—There was no mention of it

Was not Mrs Isdell your client and you went out to arrange about her brother's wages?—No, I went out to make a will for William Browne whom I recognised as a possible client

What was his physical condition when you saw him on March 10th?—He had had a stroke but was mentally sound

What was the exact conversation you had?—I do not remember as that is 8 months ago

Did you tell him you had come out on Mrs Isdell's instructions to get the acknowledgment?—No

Was his utterance clear?—No. It was restrained due to the stroke

I suggest it was Hubbard he

wanted to leave the farm and the £80 to Hurley?—No

When you saw Browne at the District Hospital on April 24th you knew a new will had been made?—Yes

Did Patrick Hurley tell you he had persuaded Browne to make a will in his brothers favour?—No

Was it he told you about the will drawn by Mr Kenny leaving the farm to Hubbard?—Yes

Wasn't it at the request of Patrick Hurley at the office that you went to draw the new will?—No I told him the request must come from the doctor or the nurse in charge

Where did you meet Hurley at the District Hospital?—In the hall

When you then saw Browne you say he was in a comatose state?—Yes

What kind was his utterance?—He was shouting

Was he shouting that he wanted to go home?—Not that I heard

You went back at 3 p m and Patrick Hurley was there again?—Yes

So he must have been on guard there most of the day?—I do not know

You found Browne in a private room then?—Yes

Was he locked in?—No

Had not you the key in your hand?—When I was coming out the key fell out of the lock and I picked it up and gave it to the sister there who said in a jocose way "did you lock him in?"

When you drew that will you had an uneasy feeling that influence was being used?—I felt so

That was why you asked Browne both in Brennan's and the Superintendent's presence if he knew and was satisfied with the will and if it was made voluntarily?—Yes

Did you hear Browne saying to the Superintendent 'I'm very nervous'?—No

The next witness called was Mr Patrick Brennan Porter at the District Hospital Dungarvan, who said On April 24th I was on duty as usual and I remember Mr Tobin coming and speaking to me He wanted me to witness a will of William Browne whom I knew well I went into the room and asked deceased how he was and he said "I'm only middling" Mr Tobin asked him if he were satisfied and he said he was and appeared to understand everything Browne then made his mark and I signed it and then left

Mr Ashley-Powell—When Browne was admitted you were instructed by Dr Casey that no one was to be admitted unless some of the next-of-kin were present?—Yes

Mr Donovan Mr Hubbard and Mrs Isdell were refused entry?—Yes

Mr Donovan came on April 25th with a pass from Dr Casey?—Yes

The Hurleys had no passes and came without let or hindrance?—Yes

And Mr Tobin had no pass?—No but he had a daughter a patient and I thought it was seeing her he was

Did Patrick Hurley spend a lot of time there?—A good part of the day

Did he haunt it?—No

Dr Cusack said that the late Wm Browne was his patient and on March 9th he went to see him and found him suffering from a stroke and his speech was affected and the right side was partially paralysed He thought he should be removed to hospital but Browne was reluctant Mr Hubbard and Mrs Isdell were present and seemed anxious that Browne should say in his presence that he owed Hubbard wages The next day he got a message from Mrs Isdell to bring out Mr Williams He went with Mr Tobin who drew a will which he (Dr Cusack) witnessed

On April 3rd he went out again with Mr Kenny and Mr Donovan

To Mr Ashley Powell witness said deceased was well looked after at home

Dr M Casey in evidence said I knew Wm Browne and had attended his family of about 12 years I last saw him in 1938 but last April a man named Patrick Hurley came to me and asked why I did not go out to see Wm Browne when called for I told him I was not called in but he said that Browne had told him that I was sent for but could not come I went out to verify the thing and Hubbard was there I asked Browne if he had sent for me and Hubbard said "he did not send for you it was for Dr Casey Ring"

Browne said to me when Hubbard left the room "yes it was you I wanted I went out next morning and I asked him if he wanted me to treat him and he said 'Look here doctor I want you to treat me but I'm afraid' He did not say of whom, but I

inferred it was of Hubbard I told him he should be in hospital and he agreed but Hubbard objected I wanted to give him a "Hypo" but Hubbard told Browne not to take it as it would kill him (laughter) On that day he was removed by ambulance to the hospital On the following Monday morning I met Hurley at the hospital and got the impression that Browne wanted to make a will I went to deceased and asked him if he wanted to settle his affairs and he said 'yes' He was then fit to do so and I rang Mr Williams at Hurley's suggestion Deceased got bad about May 1st and died on the 4th

Mr Ashley Powell—On April 22nd Patrick Hurley went to Browne's with you and Martin was there before you so that the Hurleys were there in force?—They were there

Did you know of the will in favour of Hubbard?—Yes

And you told Hurley?—Yes but he already knew it

Did he say it was a shame the serving boy was getting it and was angry?—He said it was a shame but was not angry

Was there an element of force at Browne's removal to hospital?—Not that I could see

When he was going out did he say "they're taking me Maurice"? No but Hubbard and Browne were crying

You instructed Brennan that no one was to see deceased except one of the next-of-kin were present?—What I said was that no one but Browne's relatives were to see him as I felt he was afraid of certain people

Of the Hurleys perhaps?—Maybe

Did you know the Guards were sent for at the removal?—When I was coming back in the ambulance with the patient I saw Hurley's lorry with a Guard in it

When you rang Mr Williams on April 24th it was on Hurley's suggestion?—I verified it from Browne

Did you hear that Browne was locked in?—Yes but the nurse can explain that

Was Browne's removal done at Hurley's persuasion?—No it was due to his own condition

Mr Patrick Hurley in evidence said he was the plaintiff in the action and executor of the will of April 24th He was first cousin of deceased and Martin Hurley Tig Aluinn Ardmore a carrier was his brother In March of this year he went with his brother to see Wm Browne and had not seen him for nine months before He heard he was seriously ill Hubbard Mrs Hogan the maid and others were there He had heard a will had been made but he did not know what was in it He did not persuade deceased to go to hospital He went to see him the day after his removal to hospital and on the next day (Monday) he again called and asked him if it was right he had left the farm to Hubbard and he said he had Witness continued "I said weren't you always supposed to leave it to Martin" and then he started to cry I said 'if you are sorry there is still time to rectify the matter' and he said "they'll kill me I then saw Dr Casey and told him that Browne might want to make a will and if he would ring Mr Williams

Mr Ashley-Powell—When did you first hear that the farm had been left to Hubbard?—A few days after that will was made

You were angry?—No

Did you go out to Browne and say "it's a bad trial of you to give the place to Hubbard"?—No

You took him to task?—No

Did you discuss Browne's affairs with Dr Casey?—No

You persuaded Dr Casey to bring Browne to the hospital to put him away from Hubbard?—No

You got him in so that you could make a will for him?—No

I put it to you that you suggested to Dr Casey that no one but you and your brother were to see him?—No

You kept guard at the District Hospital to keep Mr Donovan Hubbard and Mrs Isdell out?—No

Martin Hurley Tig Aluinn Ardmore said that he visited his uncle Wm Browne annually on Xmas morning and occasionally during the year On the day of the removal to the District Hospital he went to Ring for a Guard to see that the removal was orderly as Hubbard was objecting

Mr Ashley-Powell—You were all there in force on April 22nd in order to be able for Hubbard?—No

Didn't Browne object to going?—No

A nurse from the District Hospital gave evidence that Browne was a very sick man and was seldom coherent The door at the private ward had no handle and the key had to be left in the lock to open it

Mrs Ellen Tobin Ml Hourigan and Ml Sarsfield also gave evidence the latter stating that

BY . . .

# "LOTUS"

★

## Shoes For the Autumn

• • •

# MULCAHY'S

## DUNGARVAN

Hubbard was always condemning Browne's relatives as no good He heard Hubbard telling Browne not to go to hospital as he would be shouting all night before he would be attended (laughter) When Hubbard heard Dr Casey was coming he said that he would throw him down the stairs on his head (laughter)

That closed plaintiff's case

**Hubbard's Evidence**

Maurice Hubbard said I am 40 years and have been living with Wm Browne for 25 years I was paid no wages since 1937 When deceased got ill this year I had a conversation with my sister and she went to Mr Williams to get someone to settle up about the wages When Mr Tobin came out I was standing at the butt of the stairs and I overheard a few words Brown said to Tobin 'I am not ready to settle my affairs' On April 3rd Browne said he wanted to change his will and sent for Mr Kenny and Mr Donovan When Patrick Hurley came with Dr Casey there was no message sent for them When Dr Casey came into the room he said to Browne "I'll have you up in a fortnight" (laughter) and Browne said 'I don't want you at all my own doctor is coming this evening' After Browne was taken to hospital I called to see him but would not be allowed in Brennan said that he had been ordered by Dr Casey not to allow me in

Mr Maguire—When Mr Tobin called do you suggest that he stayed and made a will in spite of the man?—I don't know

Supt O'Mahony said that as a result of a telephone message he got on April 22nd he went to investigate the removal of Browne When he visited the District Hospital on April 22 he met Mr Tobin coming out of the room where Browne was They went in together again and Browne said 'I'm very nervous' He did not question him as he thought he was not fit

William Hennessy and Mrs Mary Isdell also gave evidence

Mr Kenny Solr, gave evidence of drawing the will for Browne on April 3rd which left the farm to Hubbard £30 to Martin Hurley £40 to Patrick Hurley and a few other legacies The deceased was quite rational at the time

Mr Jack Donovan Managing Assistant of Mr Kenny gave evidence of the drawing of the will and said that he went to see Browne at the District Hospital on Monday April 24th, but was refused admission Next day he got a pass from Dr Casey to go which said "Please allow Mr Donovan to see Wm Brown District Hospital for 5 minutes

When he went to the hospital he found Browne in the 'chronic' ward Hurley was there and would not allow him to see Browne alone After arguing for about five minutes with Hurley he left as he could not see deceased alone

Mr Maguire—You knew of the will made on April 24th?—Yes

There was a desperate effort to get in to the hospital to change that?—No

This closed the case for Mr Hubbard and Mr Powell and Mr Maguire addressed the court on the salient points of the case the former saying that Mr Tobin and Mr Hurley were straight forward witnesses

Giving judgment his Lordship said These will cases are not unusual Here we have an old man with his wife and family dead and no close relation who was notoriously inclined to vacillate in his testamentary dispositions This type is inclined to vary their wills from day to day and not of necessity owing to undue influence but just that this is the state of their minds

It is also notorious that anyone in the house with any semblance of a claim on their bounty has an effect on them but that is not undue influence Doctors and solicitors have very difficult work in such cases This man had two different doctors and two different solicitors He was under Dr Casey in hospital, but I think the doctor acted too much in favour of the Hurleys His was a difficult job as oftentimes a constant stream of visitors has the effect of sending people to their graves before their time but in the circumstances he should have taken instructions from deceased though he was doing it all for the best The solicitors are faced with a difficult task too Here is this will of March 10th to which great importance must be attached because at that time there was no influence used by the Hurleys and the farm was left to Martin Hurley Then on April 3rd, I suppose he felt he hadn't treated Hubbard properly and decided to leave him the farm Next we come to April 24th and though his condition was supposed to be improving I would gather from the evidence that at that time it was inclined to go back At 11 o'clock when Dr Casey saw him he was in good form to make a will but Mr Tobin found him not so at 12 15 but at 3 p m he was competent Mr Tobin has had long experience in drawing up wills and had no interest in either side and was anxious to carry out the deceased's wishes He acted on these principles strongly I feel strongly influenced by Mr Tobin's whole conduct in this matter I am not inclined to attach too much importance to the Superintendent's evidence as to deceased's capacity to make a will and I feel I should hold on the evidence that the will of April 24th was properly executed and that the man was in sound mind, memory and testamentary capacity then If Mr Donovan had been allowed in it might have happened that this vacillating old man might have made another will in favour of Hubbard Therefore the will of April 24th leaving the farm to Martin Hurley must be admitted to probate and I declare probate in solemn form In the circumstances of the action I allow Hubbard his costs and also the plaintiff as executor

### THURSDAY'S DECISIONS

**Lynch v GSR**

Mr Jack Lynch South Tcead Dungarvan claimed £17 14s 10d damages against Great Southern Railways for damage to his lorry and goods he was carrying when a GSR lorry collided with it at Grattan Square Dungarvan on Nov 16th 1943

A decree for £13 10s was given Mr Maguire B.L. (Messrs Farrell & Morrissey Solrs) was for applicant and Mr D'Arcy B.L. (Mr Kenny solr) defended

**Turbary Rights,** Mrs Alice Connors Fahafeela, Kilmacthomas claimed £15 damages for trespass and an injunction restraining further trespass against Michael Quarry Kilnafrehan in respect of turf cutting rights on Deelish mountain

A decree for £5 with 35/- expenses was granted as was the injunction restraining defendant from further trespass

Mr Clarke B.L. (Mr Kenny, Solr) was for plaintiff and Mr MacDonald B.L. (Mr Williams, Solr) was for defendant

**FULL REPORTS** Full reports of Thursday's cases will be given in next issue

**Our Small Ads Bring BIG Results**