



Dungarvan Circuit Court.

(Before Mr. Justice Sealy, K.C.)

Stanley v. Waterford Co. Council.

Mr. Molloy, B.L. (instructed by Mr. Magnier, solr., Fermoy,) for plaintiff. Mr. Budd, B.L. (instructed by Messrs. Dobbyn and McCoy) solrs. for defendant.

This was an action remitted from the High Court, by John Stanley, Garrison, Tallow, against the Waterford Co. Council for £500 damages to his land, owing to the negligence of the defendants in allowing the bed of the stream which flows along the roadside to become silted up.

Mr. J. Bowen, Engineer, Fermoy, deposed to examining the place and making maps produced. The stream is a mountain stream and when in flood in wet weather bring down a lot of debris and large stone which choke the gullet entrances and overflows on to plaintiffs land.

Examined by Mr. Budd—Owing to the two breaches about an acre of land is covered with stone and gravel, but the water damaged considerably more.

John Stanley, deposed he held the lands of Garrison, Co. Waterford, containing about 150 acres. He resided there for 25 years up to about 5 years ago when he went to reside near Cork. He had a caretaker in charge and visited the place often. His land is at both sides of the road. The stream in question is coming from the mountain and flows along the roadside for some distance.

Mr. John Brackett, deposed he was a road Overseer, and lived in the vicinity of this stream. Witness saw contractors working the road first and remembered when it was steam-rolled. Witness often saw the late owner of the farm, Mr. Fuge, repairing this fence.

John Sullivan, deposed he was Overseer for this area for 6 years. The Co. Council employees work on the road during his time they never cleaned the stream.

Mr. Budd—Witness mended a breach in the fence about a month before the flood.

Wm. Naylor, deposed he was a farmer, and resided near Garrison. He knew the stream and gullet. He saw the Co. Council employees cleaning the stream and cutting the briars off the bank.

To Mr. Budd—Horses could drink at the stream in places before the bank was raised.

John Murray, deposed he lived near Garrison. He was employed by the Co. Council. He cleaned the bank between the stream on the road about six years ago.

Wm. O'Keefe, deposed he was living in the centre of Garrison Farm. He worked for the Co. Council 9 years ago. He worked on this stream side cleaning the road. They scoured the side of the bank inside the stream. They stopped a rabbit burrow where the water was going in. He saw the Co. Council employees cleaning the stream last summer above the gullet.

By Mr. Budd, B.L.—He worked for Mr. Stanley. Very heavy floods come down that stream. There are rabbits in the lower side of the field.

Mce. O'Keefe, deposed he worked for the Co. Council. He worked on the stream once about 5 or 6 years ago. He took some stuff off the bed of the stream.

By Mr. Budd—He was taking stuff off the bed of the stream. He does not remember when he put it.

Mr. Bowen, Co. Surveyor, deposed he knew the stream 18 years. The bank was a rough irregular mound of gravel, clay, etc. The natural course of the stream in my opinion was not the present one.

By Mr. Budd—The collapse of the bank is due to it being full of rabbit and rat holes and having been shaken with trees. The bank is very porous. The cleaning of the stream in my opinion does not affect the fence.

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Motor Smash

At the Circuit Court on Thursday, before Mr. Justice Sealy, K.C., Mr. Mch. Connors, Dungarvan, sued John Ryan, Victualler, Tallow, for £39 damages, resulting from a collision in O'Connell street, Dungarvan, on Dec. 6th., last.

There was a counter claim for £10 by Ryan against Connors, for damages to his car on the occasion.

Mr. Molloy, B.L. (instructed by Mr. Farrell, solr.) for plaintiff. Mr. E. A. Ryan, solr., defended.

Mr. J. Ormonde B.E., produced a map of the place where the accident occurred and in reply to Mr. Molloy said there was ample room for 3 cars to pass.

Plaintiff deposed he was a hackney car driver. On December, 6th., about 6 p.m., he was coming from Touraneena. He was driving Mr. Cogan, Agricultural Instructor in an Overland Whippet car. Where the accident occurred opposite Power's Garage, there was a stationary milk car, with a lorry and a private car drawn up behind it.

By Mr. Ryan—They left Touraneena at about 5.15 p.m. When he first saw the lights of defendant's car this would be 50 yards away. In witness's opinion any other driver would not come where the defendant came.

Mr. E. A. Ryan, deposed he was travelling with the plaintiff. When they entered the narrow portion of the street they were travelling slowly. He saw the Knocknoll lorry and a private car drawn up opposite Egan's Hotel. He saw the lights of the oncoming car when he was opposite Power's Garage.

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panied Ryan on this day. He didn't not know much about a motor car. Ryan's car screeches a lot when you press the starter. When he saw the lights of the other car Ryan was about 10 to 15 yards from the lorry. The other car should be about 35 to 40 yards away. Witness hardly felt the impact, and it possibly could not drag Connors car across the road. He would say that Connors' car came like a flash.

Sergt. McNeill, deposed to getting a report and arrived about 15 minutes after the accident had occurred. He found the Ford Car three feet in front of the lorry in a slanting position. The Whippet Car was also in a slanting position. The front wheel being 7 feet from the kerb and the rear wheel one foot 9 inches.

By Mr. Molloy—Connors was on the correct side of the road and within 10 inches of the kerb. The impression on the road could be caused by the car being dragged.

His Lordship, in summing up, said theoretically it is quite possible for three cars to pass in this street at the same time, but in his opinion it would be madness to try, and a man in Ryan's position finding his own side of the road blocked, should have found out if the road was clear before going out.

He would allow Connors £13 damages with £3 for loss of earning. He would also allow 3 guineas engineers fees, and 10/- expenses.

THE WARBLE PEST.

NOW IS THE TIME TO DRESS CATTLE.

The time of the year has now arrived when warbles are making their appearance on the backs of cattle. These warbles are the grubs or maggots of the warble fly or gad fly.

The amount of loss which is incurred annually in this country because of the presence of warble flies is very great. The extensive damage caused to hides by the warble grubs constitutes a very large proportion of this loss.

It is most desirable that a determined effort should be made by farmers to exterminate the warble fly. Recent research has shown that by applying certain dressings, made from derris powder, to the backs of animals at the proper times from 90 per cent. to 100 per cent. of the warbles can be killed.

The two commonest derris powder preparations obtainable in this country are "Polvo" and Cooper's Warble Fly Powder. These materials are sold in 1 lb. packages, and directions as to how the wash should be made from them are given on the packages.

Warbles washes can be applied to the animal's back with a piece of cloth, but it is advisable to brush the back first with a stiff brush in order to expose the warble holes.

In order to obtain the maximum kill of warbles it is necessary to apply the dressings at monthly intervals during the period while warbles are appearing on the backs of the animals. Generally three dressings, applied about the middle of March, the middle of April and the middle of May, give entirely satisfactory results.

Attention is called to Leaflet No. 75 of the Department of Agriculture entitled "The Warble Fly," and it may be noted also that a special exhibit dealing with this pest will be staged at the Royal Dublin Society's Spring Show in the Insect Pests section of the Educational Exhibit.

Woman: I have a husband who looks like a man.

Grand Selection of Irish Suitings. My New Range of Irish Suitings having just arrived. I am now able to put before you Better Value than anything offered in the Tailoring Business before.

Point-to-Point Races. HUNT RED-COAT RACE. A Sweep of £2 for each starter. Lord Waterford's ARDAPRIOR, Mr. James Power.

Waterford Hunt Fixture. BIG CROWDS AND EXCELLENT SPORT. Stewards: The Marquis of Waterford, M.F.H.; Mr. R. Russell, M.F.H., and the Waterford Hunt Committee.

Open Heavyweight Race. Winner, £20; second, £3; third, £2. Lady Helen MacCallum's SIR MAC, Mr. McClintock.

PLEA FOR CHRISTIAN STATE.

Rev. E. Cahill, S.J., in a lecture to a large audience in Kilkenny, said that they had in the Irish Free State a practically homogeneous Catholic population, yet they had not a Christian State.

The social system in which the Irish people lived was the result of centuries of oppression, and it was fashioned after an English Protestant model. What had been impossible in the last three centuries had now become feasible namely to inaugurate a social reconstruction, political, educational and economic, upon a truly Catholic and Irish basis.

With the approval of Most Rev. Dr. Coillier, Bishop of Ossory, who sent a letter regretting his inability to attend, a branch of An Rioghacht (The League of the Kingship of Christ) was formed.











