

YOUR NIGHT-CAP



VELVET CAP

Dungarvan Observer

A N D
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DUNGARVAN MURDER CHARGE

Accused Men on Trial at Central Criminal Court.

(By our Special Representative).
 Dublin, Tuesday.
 In the Central Criminal Court today, before Mr. Justice Martin Maguire, the trial opened of John Donovan (35), unemployed labourer, Dungarvan, and William Donoghue (23), hawker, a native of Clogheen, County Tipperary.

They pleaded not guilty to the murder of Private Charles Daly, a native of Clara, Offaly, at Dungarvan on August 30th last.

Mr. R. J. McLoughlin, S.C. and Mr. B. Hannin (instructed by the Chief State Solicitor) prosecuted. Sir John Esmonde, S.C., and Mr. G. Clarke (instructed by Mr. A. R. Farrell, solicitor, Dungarvan) appeared for Donovan, and Mr. J. Fitzgerald-Kenny, S.C., and Mr. N. K. MacDonald (instructed by Mr. M. W. Kellor, solicitor, Waterford) appeared for Donoghue.

Opening the case for the prosecution, Mr. McLoughlin said that Daly met his death about 9.45 p.m. on Wednesday, August 30th, in the vicinity of Grotto Square, Dungarvan. He died from shock and haemorrhage of the brain caused by multiple fracture of the skull as a result of three or four very severe blows on the head. He died in the street in Dungarvan within a short while after the injuries had been inflicted on him. The case for the prosecution would be that his death was due to a vicious and murderous assault made on him that night, and that the two accused, perhaps one more than the other, were answerable for his death. Donovan was an unemployed labourer who was living at Cathal Brugha Place, and Donoghue was an itinerant tin-smith who at this time had been living at Cathal Brugha Place. There was a private in the Defence Forces stationed in a camp about a mile from Dungarvan. Daly was an active young man, about 6 feet in height, and weighing 12 or 13 stone.

That day, Wednesday, August 30th, was pay-day at the camp. Deceased and a number of other troops were spending their off-hours in Dungarvan. The two accused at this time were known to each other but were strangers to the deceased and it was a chance encounter between these three men which led to this terrible and fatal tragedy. Daly was in a public house in Grotto Square, Dungarvan, on that night. There was a number of other soldiers there and no Corporal Stewart. Daly and Stewart were arguing and talking between themselves about their prowess in boxing and hurling. A wager of 10/- each was laid as to who was the better boxer. As a result of the wager the two of them left the public house and went to a nearby lane. They were followed by two other soldiers and they were joined by the two accused, who apparently learned from these other soldiers that they were going to fight. When Corporal Stewart and Daly arrived in the lane-way there was no proper fight at all. Stewart did not want to fight but there was a bit of a sparring match of a friendly nature. Apparently disappointed by this, the two soldiers who had followed were back to the public house. The two accused men did not go away. They went up the lane-way to where the two soldiers were sparring. They followed them up apparently to pester them, to interfere with them, and to beg cigarettes from them. This intrusion was resented by Stewart and Daly, who told the two accused, in soldiers' language, "to get away off." Stewart in fact pushed one of them a few yards up the lane. The two accused went off and the two soldiers resumed their sparring practice for a few minutes. When it finished the two soldiers proceeded back out of the lane, still friendly. They left to go back to the public house.

Before reaching it they were overtaken by the two accused, who again begged them to give them some cigarettes. They were told again to "clear off" and when they did not, Stewart and Daly went over to "shift them off." Stewart was the only eye-witness of the events which followed. He would tell the Court that he went over with Daly towards the two men, who were some distance away across the street. Stewart went towards Donoghue and Daly went towards Donovan. Stewart would say that when he approached Donoghue he turned his back, and as he got within a pace or two of him Donoghue turned round and swung his arm in the air and swung a stick to strike Stewart. Stewart got a blow of the stick on the back, and a piece was torn from his uniform. He staggered and before he recovered his balance he was struck another blow of the stick on the head by Donoghue. He was struck to the ground and the knees of his trousers and his hands were cut. During this time he heard

very jolly until the fight was mentioned. Witness thought there was going to be a real fight. He admitted that it was because they did not want to be mixed up in the sparring that they went back to the public house. Witness paid no attention to Stewart and Daly until the argument started. What drew his attention to them was when they raised their voices. The argument went on for about half an hour. Corporal Stewart had no cap on when he went out.

Replying to Mr. Fitzgerald-Kenny, witness agreed that it was a very natural thing for Donoghue and Donovan to go along to see the fight when they had been told there was going to be one. They might expect that it would be worth while. It was not at all surprising to see Donoghue and Donovan going to have a look at the fight.

Private Thomas Byrne said he was in the public house and saw the fight being laid by Stewart and Daly. To the Judge, witness said that the wager was as to which was the better boxer.

In further reply to Mr. McLoughlin, witness said he had come to town that evening with Corporal Stewart. Stewart had three large bottles of stout when he left the premises to settle the wager. Stewart was quite sober. He saw Daly having only a pint before he left the public house. Daly was "very talkative."

To Mr. Clarke, witness said that Daly called for a pint. Witness was talking to Cpl. Stewart and Daly but into the conversation. Stewart and Daly agreed that witness should remain in the public house until they returned. Witness was to hand the money to the man who came back first.

Mr. Clarke—Is it a common thing in the Army for two soldiers to put 10/- each on a fight?
 Witness—No, Sir. I think it was more for peace sake that Cpl. Stewart went out to fight.
 Did you regard it as a very serious matter when you saw Cpl. Stewart and Daly going to fight?
 Witness—No, Sir. I think it was more for peace sake that Cpl. Stewart went out to fight.

Private Thomas Butler gave evidence. Witness saw Cpl. Stewart come into the public house. Byrne was with him. A little later Pte. Daly came in and stood beside Stewart and Byrne. The argument between Stewart and Daly was not hot. Cpl. Stewart was quite sober. Pte. Daly was "talkative."

Cross-examined by Sir J. Esmonde, witness said that when he heard the argument going on he asked Corporal Stewart if he was wrong. Corporal Stewart replied, "It's all right; it is only a friendly argument."

Corporal James Stewart, in evidence, said that on Wednesday, August 30th, he was on duty at the camp. He was on duty at the camp at 9 p.m. They were arguing about hurling and boxing. They had some drink there. Corporal Stewart was quite sober and Daly was also sober. As a result of the argument a wager of 10/- each was laid. The stake was handed to Private Byrne. He then saw the two of them go out of the public house about 9.30. Witness and Private Conlon followed them and were about 20 yards behind them. They went in the direction of the square in Dungarvan. They were at the corner. He asked Private Conlon what was happening, and Pte. Conlon said, "Those men are going to have a fight." The other accused joined Donoghue about ten yards further on. Donovan spoke to Stewart and Daly, but there was no delay. Stewart and Daly then moved further towards the quays, with witness and Conlon behind. Donoghue asked Donovan what they said to Donovan. Conlon said, "Because I asked them for a cigarette they told me to clear." Donoghue said to Donovan, "They are going to have a fight." Stewart and Daly went into Carbery's Lane. Witness and Conlon went to the end of the lane, and the two accused also went there. Conlon and witness returned because Stewart and Daly were talking in a friendly way and were not fighting. The two accused were still at the end of the lane when witness and Conlon left. As they were leaving witness heard footsteps behind him for some of the way. Witness did not see any more of the accused after that. Witness and Conlon went back to the public house. They were out for about half an hour or less.

At an identification parade he picked out the two accused.
 Cross-examined by Mr. Clarke, the witness said he had heard the sound of Stewart's and Daly's voices in the public house. When witness was at the end of the lane-way Stewart and Daly were about 15 yards up the lane. Stewart and Daly were drinking stout in the public house. He could not say how many drinks they had. He thought there would be a good fight. Daly's voice was quite loud that night and he was doing a lot of talking.
 To the Judge, witness said he did not see anyone on the streets on the way back.
 Private Pat. Conlon corroborated Pte. McCarthy's evidence. Stewart, he said, was sober. Daly was "a bit talkative." When he and McCarthy left the public house they met Donoghue. Donoghue asked him what was on. Witness said there was going to be a fight for 10/-. A little later he saw Donovan. Donovan spoke to the two soldiers Stewart and Daly. Stewart and Daly did not seem to be annoyed with each other. They were talking in a friendly manner. At an identification parade at Dungarvan on the following day he picked out the two accused.
 Cross-examined by Sir J. Esmonde, witness said that it was the usual soldiers' pay-night and everyone was

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Dungarvan District Court.

Held on Tuesday last before Mr. S. J. Troy, D.J.
 Exemption Order.—Mr. T. C. Williams, Solr., was, on behalf of Mrs. Nora Monahan, Ocean View Hotel, Clonsa, granted an exemption order for the night of December 28th, the occasion of the Dungarvan Coursing Club Dance.

Occasional Licenses.—Mr. Williams, Solr., was also granted an occasional license for Mrs. Monahan, Ocean View Hotel, for a bar at the Coursing Grounds on Dec. 28th.

Mr. P. J. Morrissey, Solr., was granted an occasional license on behalf of Mrs. Josephine Butler, Main St., for a dance at the Town Hall, on Dec. 28th.

Dance License.—Mr. Kenny, Solr., was granted a dance license on behalf of Mr. T. Hickey, Knockrope, Hon. Sec. Coolnamoney Ploughing Committee, for a dance at Coolnamoney N.S. on the night of Dec. 31st, 1944.

Lights on Vehicles.—Three cases under the Lights on Vehicles Act were before the Court and fines of 3/6 each were imposed. Garda Burke and McGowan, Dungarvan, were the complainants.

School Attendance Cases.—Two cases under the School Attendance Act, brought by Garda Enright were dealt with under the P.O.A., as in all cases improved attendances were reported.

Unlicensed Dog.—A case against Thos. O'Brien, Ballinroad, Dungarvan, with keeping an unlicensed dog, was dealt with under the P.O.A.

Prosecution Under Alias Order. 1938.—Inspector Croke, acting for Supt. O'Mahony charged Mrs. Mary Egan, hotel, Dungarvan, with an alias name of one William Leonard O'royd in the register kept under the said Order.

Dr. Counihan, State Solicitor, prosecuting said that all hotels are required to keep a register of all guests. On the night in question when the register was inspected by D.O. Gordon, there was one man who was not registered.

Mr. Williams, Solr., who appeared for Mrs. Egan and pleaded guilty to the charge, said that this omission was due entirely to carelessness on the part of the staff. The guest in question is a constant visitor to the hotel, being a director of the Guinness and Gelatine Company.

The Justice, in dealing with the case under the P.O.A., said that the penalty is very heavy. For breaches of the Order a fine of £100 could be imposed.

The Minister for Industry and Commerce prosecuted a young man with, on dates between the 4th and 12th August, making false representations that he was unemployed for the purpose of obtaining benefit under the Unemployment Insurance Act during which time he was in temporary employment.

Dr. Counihan prosecuted and Mr. P. J. Morrissey, Solr., defending said the money had been paid back immediately.

The case was dealt with under the P.O.A. with 4/- expenses.
 Noxious Weeds Act.—The Minister for Agriculture charged Thos. C. Williams under the Noxious Weeds Act in respect of twelve acres of the lands of Belleville, Cappoquin.

Dr. Counihan, State Solr., prosecuting, said there is in all 128 acres of which 60 statute acres are under grass and on which weeds were growing on 12 acres.

Guard O'Leary said he visited the place on 28th August. The weeds are still uncut.

Mr. Williams, Solr., said that the owner of the farm (Mr. Edwards) is in England. He was acting for him and let the lands to three different people. He had notified them to cut the weeds.

The Justice asked Dr. Counihan if it was not the grazier who should be held responsible.

Dr. Counihan said any of the three could be prosecuted in this case, the owner, the agent or the grazier.

The Justice held that the grazier having the use of the land should be the person prosecuted. If Mr. Williams, having let the lands, went in to cut the weeds could he not be considered a trespasser. He dismissed the case under the P.O.A.

The Minister for Industry and Commerce charged Pk. Keane, Ballinacourty, Ring, Dungarvan, with the purpose of obtaining a Children's Allowance, did knowingly make a statement in writing which was false, viz., that Pk. Keane and Ed. Keane were residing with him on 31st May, whereas they were not.

Dr. Counihan prosecuted and Mr. P. J. Morrissey, Solr., defended.
 The case was conducted in Irish and was dealt with under the P.O.A. with 2/- costs.

Owing to pressure on space it is found necessary to hold a number of items over to next issue.

(Continued on page 6, column 3)

THE HOUSE FOR BETTER VALUE

Special Offer for the Christmas Season.

Men's Cotton Vests, 8/6, 9/6, 10/6, 11/11, 12/9, 16/6, 18/6, 22/6, to 35/-.

Men's Socks, 2/- to 3/11, Boys' Good Quality Shirts, 7/6 to 10/-.

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CHRISTMAS PRESENTS FOR ALL (OLD AND YOUNG).

Just a Few Suggestions: Come and Help Yourself.

MEN'S WARM PLAID SLIPPERS, with Leather soles, prices from 6/11 per pair. A selection of MEN'S ALL-LEATHER SLIPPERS in Black & Brown, prices from 7/11 per pair.

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Gent's Brown Leather Gloves, lined all through, 18/11 a pair. Ladies' Kid Gloves in Black, Brown or Navy, gauntlet make, fleece lined, wonderful value at 12/11 a pair.

FOR THE CHILDREN: Gloves, 1/- to 3/11; Sox and Anklets, 1/- to 2/3; Shoes in all sizes; lovely Ribbon in all colours and widths; Underwear; Jerseys, etc. HOUSEHOLD GOODS: Blankets, Sheets and Elderdowns, Foxford Rugs and Shawls.

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We invite you to see our Ladies' Coatings at present on display, then shop the town, comparing quality for quality, value for value, price for price, and convince yourself that our prices are unrivalled.

Acute Fuel Shortage.—It is anticipated that the coming winter will be one of very grave shortage of winter fuel.

advantage, it will remain lighting overnight. The cost of fitting is not excessive, and will cost from £3 to £4/10/0, according to size and make of range.

KILMATHOMAS NOTES.

Late Mr. D. Walsh.—Very Rev. T. Galvin, P.P., presided at the Solemn Requiem Office and High Mass celebrated in the Parish Church, Kill, on Thursday morning of last week, for the happy repose of the soul of the late Mr. David Walsh, Ballyvaden, Kill, whose remains had rested overnight before the high altar.

There was a Full Muster of the members of the Bonmahon Branch of the Irish Capital Live-Saving Society at the quarterly inspection and drill held recently at Templeyrick, Bonmahon.

Rev. M. Foley, C.F., who is home on a visit from a cross-Channel centre, celebrated the 8.30 Mass at St. Anne's Church, Ballynaneen, on Sunday last, at which—again at the 11 o'clock Mass, celebrated by Rev. F. Walsh, Stradbally—prayers were requested for the eternal welfare of the soul of Michael senary, Kilrossanty.

Fianna Fall Sympathy.—The Kill, Knockau, Newtown and Ballynaneen Clubs, respectively, voted to contribute to the widow and family of the late Mr. David Walsh, Ballyvaden, Kill.

At a Large and Representative Meeting held at the Schoolhouse, Stradbally, on Sunday evening last, it was unanimously decided to form a Stradbally and Bonmahon District Nursing Association.

The Rainbow Hall, Kilmathomas.—The opening dance at this admirable centre on Sunday night last provided highly enjoyable entertainment to a fine gathering of patrons.

Baldwin's Hall, Kill.—A capacity house immensely enjoyed last Sunday night's bill of fare here—a grand variety concert followed by a dance.

Death of Miss M. Casey.—The death of Miss Mary (Mamie) Casey, daughter of Mr. and the late Mrs. William Casey, The Smyth, Knock-o'-the-cat, Kill, came as a great shock to her many friends and acquaintances.

WEST WATERFORD NEWS

Waterford Farmers' Dance.—A very large crowd patronised the dance held in Clashmore Schoolhouse on Sunday night last, under the auspices of the Waterford Farmers' Association, and the function proved very successful and enjoyable.

Kill L.D.F. on the proposition of Platoon Leader Andrew Tibbs, seconded by A.P. Wynne, Thorge passed a vote of condolence with Vols. David and Joseph Walsh on the death of their father, the late Mr. Michael Walsh, Ballyvaden, Kill.

Old Age Pensioners.—A meeting of the Youghal No. 2 Rural Old Age Pensioners Committee was held in Clashmore on Saturday night last.

Hunting.—The Aghlin Harriers, who are having a successful season, met at local centres on Friday last (church holiday) and Sunday, and had good sport on each occasion.

Sympathy.—At a specially convened meeting of the Clashmore Camogie Club, a vote of sympathy was passed to Miss K. Mansfield, Ballinacash, in her recent bereavement, occasioned by the death of her uncle.

On the Land.—The greater part of the best crop has now been lifted and a big percentage has already been delivered to Mallow Factory.

Clashmore L.D.F. Dance.—A grand dance, in aid of the L.D.F. welfare fund, will be held at Clashmore on New Year's Night.

Very Many People are now making preparations for the long winter evenings, now almost here.

Spring Valley Hall, Bonmahon.—The widely-known and worthy esteemed proprietor of this hall—Mr. Nicholas Fitzgerald—is undoubtedly one of the most progressive and practical men in Munster.

Death of Miss M. Casey.—The death of Miss Mary (Mamie) Casey, daughter of Mr. and the late Mrs. William Casey, The Smyth, Knock-o'-the-cat, Kill, came as a great shock to her many friends and acquaintances.

LISMORE NOTES.

Gaelic League Meeting.—A public meeting was held by the Gaelic League at the Moment after the late Mass on Friday and a good crowd attended.

Variety Concert.—The Happydrome was filled to capacity on Sunday night last when the Edwill Productions of Cork presented the "Hit Revue," featuring several leading Irish artists.

Enjoyable Ceilidhe.—Although the attendance at the Ceilidhe Mor in the Happydrome under the auspices of the League on Friday night last was not up to the promoters' expectations, it was nevertheless one of the most enjoyable held here for some time.

"Something New."—We are putting two New Turf Ranges on the market at considerably reduced prices.

PURE FRESHLY ROASTED & GROUND COFFEE 2/8 per lb.

MERRY'S DUNGARVAN and WATERFORD

