

YOUR NIGHT-CAP



VELVET CAP

# Dungarvan Trades

## MUNSTER INDUSTRIAL ADVOCATE

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### Dungarvan District Court.

The Dungarvan District Court was held on Tuesday, before Mr. J. S. Troy, District Justice.

**Annual Licensing Renewals.**—As this was the annual licensing session, applications for renewal of publicans' licences in the area were made and granted. Applications for the usual exemption orders were also granted. Messrs. J. F. Kenny, T. C. Williams and Messrs. Farrell and Morrissey were the solicitors engaged.

**License Transfer.**—Mr. E. Fleming was granted a direct transfer of the licence held by the Waterford Co. Council in respect of the premises formerly known as the Commercial Hotel. Mr. Fleming gave evidence of being the lessee under the licence and had opened the premises.

Mr. M. Power was granted a confirmation of the transfer of licence, held under deed, in respect of the premises, 81 O'Connell Street. Miss M. J. O'Meara was granted an interim transfer of the licence in respect of No. 10, Main Street.

Mr. A. R. Farrell, solr., made the applications.

**Clonca Dance Hall.**—Mr. T. C. Williams (J. F. Williams & Son) applied on behalf of Mrs. N. Monahan, Clonca Hotel, for a dance licence in respect of the dance hall adjoining the hotel. Supt. O'Mahony read a report from Mr. N. Dunne, assistant county surveyor, regarding the hall, in the course of which it was stated that it was of sound structure with two exits and capable of holding 200 people. He suggested extra sanitary accommodation, and also that two fire extinguishers be fitted in the hall.

The application was granted subject to the recommendations of the engineer being carried out.

**Town Hall Licence.**—Mr. T. C. Williams, on behalf of Mr. M. O'Meara, Acting Town Clerk to the Dungarvan Urban Council, applied for a renewal of the annual dance licence in respect of the Town Hall. He said he was instructed to apply for three dances each week, namely, 8.30 to 11 p.m., 8.30 p.m. to 2 a.m., and 8.30 p.m. to 4 a.m.

Mr. A. R. Farrell (Messrs. Farrell & Morrissey) represented Mr. J. F. Moloney, Priory House, the Augustinian Friars, Dungarvan, and a number of residents in the area, who were objecting to the licence.

Mr. Farrell said his clients were objecting to the noise which occurred in the hall during the dances. Mr. Moloney, who lives about 16 yards from the hall, was not objecting to the short dances, but to the longer ones from 8.30 p.m. to 1 a.m. Some years ago he made a similar objection but it was over-ruled.

The Friars lived in an adjoining street and they objected to the amplification of music that took place.

Mr. J. F. Kenny said he was appearing for the owner of the building, which, he understood, was the only one in the town. The purpose of the amplification was to distribute the sound equally all around the hall, but according to the owner it was wrongly abused. He says that if it was properly worked it would not be a nuisance, and that he was prepared to have a man on duty when a dance is on, to see that the sound is properly muted.

**UNABLE TO SLEEP.**—Mr. J. F. Moloney said he lived about 16 yards from the hall. Witness was not objecting to the 11 dances, but he objected to dances from 8.30 to 1 and later ones. At times witness had to leave his bedroom and go to another part of his house to sleep. Witness objected to the conditions under which the dances were held on the front floor; there was no room there. The windows opened on to witness's side of the street, and this in witness's opinion helped to increase considerably the noise. He also took exception to the dances ending at 3 or 4 o'clock in the morning. He would prefer to have them all-night dances, like the ones held before. It meant trying to go to sleep at the wrong time.

Asked by Mr. Farrell if he had any objection to the parking of cars in the street, the witness said he did not consider that Friary Street was a suitable place at all for parking cars.

Mr. Farrell—You think that they should be parked on the Square or the Quay?

Witness—I would suggest that that would be a more suitable place for them.

Cross-examined by Mr. Williams—The Town Hall is the only place in town where dances are held?

Witness—Yes, I have no objection to the dances at all.

To the Justice, witness said that he thought that the removal of the

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amplifier would lessen the noise. To Mr. Farrell, witness said that the dances from 8.30 to 12, and particularly those after midnight, he objected to.

Justice—Not the ones before 12? Witness—No.

Witness—That he would object very strongly to the dances from 8.30 to 2 or 8.30 to 4. He further stated he thought Friary Street was not a suitable place for parking motor cars.

**OBJECTION TO AMPLIFICATION.**—Questioned by Mr. Kenny—Your chief objection is to the coming and going of motor cars?

Justice—Which is your chief objection—the amplification or the cars?

Witness—Both are objectionable. Justice—If you had a choice of the two, which would you consider the worse?

Witness—Chiefly the amplification. Rev. Fr. Magee, Rector, St. Augustine's, said the college was 60 yards from the hall. There was continuous annoyance by reason of the amplification and ringing to the students, who had their studies from 8 p.m. to 9.45 p.m. Witness thought that there had been an increase in the number of dances.

Mr. Farrell—Would you be satisfied if the amplification was removed?

Witness—As far as I am concerned I would be.

Justice—Why is this amplification used?

Mr. Kenny—They've got to use it in Dungarvan; the band is weak.

Justice—I have seen to dances and never saw it used.

Mr. Kenny—But not to the Town Hall.

**"BLARING NOISE."**—Justice—We sit at dances and listened to the music of an ordinary band—not the blaring noise people have to listen to.

Mr. Kenny—The amplification is used here because the local band is very weak.

Very Rev. Fr. Magee—it's not only used with the local band but also with bands from Cork.

Justice—I think the ordinary band is sufficient for any hall, without amplification. I often saw people dancing in a hall to a melodeon.

Very Rev. Dr. Curtis, Prior, O.S.A., Dungarvan, said he lived nearer to the hall than the people in the college. The length from the hall was about 36 yards. There were six resident priests there. He thought that there had been an increase in the number of dances. The fact that they were held on the first floor caused a lot of pounding and the amplification carried the disturbance across to the Friary.

**"JITTERBUGS."**—Mr. Farrell—This kind of dance is technically known as the "jitterbug."

Witness—So I believe. Continuing, witness said that a good deal of disturbance was caused by motor cars, when parties kept hooting the horn for their friends. Witness had no objection to the dances if the disturbances were removed.

Mr. Farrell said he had been given a petition signed by a number of residents in the area.

Justice—And what do they object to?

Mr. C. Murphy, Main Street, said

his house was about 40 or 50 yards from the hall. The amplification was very disturbing. He thought there had been an increase in the number of dances.

**AMPLIFICATION OBJECTION UPHOLD.**

The Justice said that everybody in the area objected to the amplification. In the college the boys have to study, and in order to do that they must have sleep at night. The noise as regards the Friars, Mr. Moloney and Mr. Murphy was that they could not sleep with the noise created by the amplification. The first condition on which he would grant the licence, therefore, was that there is to be no amplification of the music. Regarding the number of times of the dances, he allowed two dances a week from 8.30 to 11.30 p.m., and 25 dances in the year from 8.30 p.m. to 4 a.m. He also ordered that the parking place for cars must be at the Quay.

Supt. O'Mahony referred to the applications for occasional licences at dances and said he thought that in future these applications should be considered on their merits.

Other applications for Renewals of dance licences were also granted to the following—Dungarvan Golf Club, Daniel Grotty, Abbeyside, in respect of the Cinema; Seumas O'Rochadha, in respect of the hall at Ring (this application was granted on condition that two exit doors open outwards instead of inwards, and that two fire extinguishers be fitted in the hall); and Sean Colender, in respect of the Pike Amusement Hall.

**Extension of Hours.**—Mrs. N. Monahan, Clonca, was granted an extension of the licence hours in respect of a dance on October 8th.

**National Health Stamps Prosecution.**—In connection with the prosecution against Gerald H. Denny, in Fford House, Abbeyside, by the Minister for Local Government and Public Health, for failing to stamp the insurance card of an employee, Dr. M. Casey, Dungarvan, gave evidence that the plaintiff was ill in Dublin and was unable to attend.

Replying to Dr. Counihan, S.S., who prosecuted, witness said that defendant's wife would be able to attend next court.

Dr. Counihan said that there was a matter of principle attached to the case, though only 9/3 was involved. He had been involved in a similar case on a number of occasions and the case had been adjourned again and again. The case could not go on being adjourned perpetually.

The case was adjourned to the second court in November.

**Civil Bills.**—A number of undefended civil bills were before the court and decrees were granted in all cases.

**Claim for Damage to Stools.**—Miss A. Dunne, Dvaghish, Arms Hotel, had a civil bill against N. Beresford, Glendine, in respect of damage to two stools. There was no appearance for defendant.

Mr. J. Fleming appeared for plaintiff.

Mr. J. F. Kenny said that the defendant, while in the bar of the hotel on July 4th, hit the seat of a stool with his fist, driving it through it. Later, after he had gone to the plaintiff with the barmaid, he returned to the bar and put his fist through the second stool. He then tried to break the bar itself, but apparently found it too hard.

Miss E. Crowley, barmaid, said that on July 4th the defendant came into the bar and ordered a drink. He was talking to two other men and witness saw him drive his fist into the seat of the stool. There was no provocation for him to do it. Witness spoke to him and he went with witness to Miss Dunne. When he came back to the bar he put his fist through the second stool. He left the premises after that. There was no stool in the bar since. Witness estimated the damage at 30/.

A decree for the full amount was given.

**Decree for Possession.**—Mr. Michl. O'Meara, Acting Town Clerk, sought a decree for possession against Wm. Hayes in respect of a house the property of Dungarvan U.D.C. at Keating Street.

Mr. P. Walsh, rent collector, gave evidence that arrears of rent amounting to £5/16/6 were due.

Mr. T. Foley, process server, said that notice to quit had been served on the 14/7/1945.

A decree for possession was granted. (Continued on Page 3).

### Fishery Prosecutions.

HEAVY FINES IMPOSED.

The Waterford Board of Fishery Conservators charged P. Butler, Main Street, N. Curran, and Edward Power (junr.), Coolnamear, with breaches of the Fishery Act at Dungarvan District Court on Tuesday.

Mr. J. F. Kenny, solr., appeared for the Board; Mr. Shannon, Solr., for the defendants.

The charge against Butler and Curran was that they were found in possession of illegally captured fish. Power was charged on two counts, viz. (1) Having in his possession an instrument, spear or gaff, while on the river side, and (2) fishing within the weekly close season.

**EVIDENCE FOR PROSECUTION.**—Supt. P. O'Mahony said he, with Guards Begley and Giblin, was on fishing duty on the Colligan river on August 14th, 1945. While on the bank at the lower end of Coolnamear they saw two men. Witness was not at the time able to identify the other man was Butler. Both men had sacks on their backs. They walked a little bit stream down the river and a third man came out of the river bed and stood for a while. This man went back into the river bed again. Witness saw something in Butler's hand, which later witness recognised as a fishing rod in a case. The man who came out of the river bed also came along in his hand, which witness later saw was a spear. Witness hid behind a sally bush and the two men went in behind some bushes also. Witness and the two Guards were up on the side of the cliff. At that time the men had gone out of witness's view. When witness saw them again they were proceeding upstream. Power was in the river (later witness recognised this man as Power) with the spear in his hand; Butler kept ahead of him the rod over the water and the man, Curran, kept some yards behind.

**MEN CHALLENGED.**—The men went out of witness's view but after fifteen minutes witness saw Butler, running on the bank, waving the rod over the water. Next Power came into view paddling the river bank, apparently closely examining the water. Witness saw that witness's view was again witness challenged the other two men. Power handed over the spear and did not say anything. When Butler was challenged he turned around and went in a half-run upstream. When witness challenged him he came back. He had two salmon and two seed salmon in the bag. When witness asked him to account for them he said he caught them with the rod.

**FRONG MARKS ON FISH.**—Witness examined fish and saw a number of marks on each fish. Witness pointed these out to Butler but he made no reply. Witness put the frong of the spear to the marks on the fish. Witness said to Butler that the marks were made by the spear and he said: "So you think I used the spear?"

Witness asked Butler for the rod, which, on examination witness found to be clean. The rod was a split cane about nine feet long only and the top piece was broken and spliced together. Witness asked Butler if he had a gaff. He had no answer to that. Witness then asked Butler to produce the fly with which he had caught the fish. Butler gave witness a fly which was on his cap. Witness examined it and found it to be a fly not being used. Witness also examined the mouths of the fish. There was no sign of blood on them. Curran had one salmon in the bag. When witness examined it there were marks on it, which witness was satisfied were made by the spear. Witness took possession of the fish which were examined in more detail in Dungarvan.

**"LOST A FISH."**—Mr. Shannon said his instructions were that Power admitted the charges. Butler had been fishing that day and had lost a fish and Butler told him he had lost a fish and Curran proceeded to assist Butler to look for the fish. As they were looking for the fish, Power came on the scene. Power gave the bag of fish which he had to Butler to hold while he helped to look for the fish.

Supt. O'Mahony, questioned by Mr. Shannon, said that the condition of the rod which Butler had on that day, could not be used, in his opinion, for salmon fishing, as it was broken and spliced. He (Supt. O'Mahony) was not an expert fisherman, but he would say the rod was a trout one.

To Mr. Kenny, witness said the day was bright and the water clear.

**WARNINGS NO USE.**—Mr. Kenny said that the Justice would remember on last occasion a fishery prosecution was before him at the Court, he issued a stern warning about poaching, but apparently the warning was of no use. Butler, who was putting forward the plea that he had lost a fish, seemed to think that he could catch the fish to retail and sell it. There was a number of men who had to pay for licences to fish in the harbour and it was the spawn of the fish that ran during the open season provided their livelihood. It fairness to them, he ordered the Guards who had hard work watching this river, he would ask that those men should be punished.

**STERN FINES.**—The Justice said that prosecution had come before him from time to time regarding the Colligan river

### Obituary.

DEATH OF MR. DANIEL FRAHER.

His death took place rather suddenly on Friday last of Mr. Daniel Fraher while engaged in harvesting operations on the farm of Mr. Thos. Flynn, Coolnamear, Dungarvan, by whom he was employed. The deceased, who was of a very quiet and retiring disposition, was son of the late Mr. Thomas and Mrs. Fraher of Ballyduff, Dungarvan. His untimely death is much regretted by all who knew him, and much sympathy is extended to his brothers, sisters and other relatives. When noticed to be unwell spiritual and medical aid were at once requisitioned, and Rev. Fr. Power, C.C., and Dr. Cusack were quickly on the scene, but he passed peacefully to his eternal reward.

On Friday evening Dr. D. T. McCarthy, Coroner, held an inquest into the circumstances of his death, and in accordance with the evidence of Dr. Cusack returned a verdict that death was due to cardiac failure. The funeral took place to the Parish Church, Dungarvan, where the coffin was received by the Rev. Fr. Farrell, C.C.

On Saturday, following the celebrations of Requiem Mass, interment was made in the adjoining cemetery in the presence of a large gathering of relatives and friends. Rev. Fr. Farrell, C.C., officiated at the grave-side.

The chief mourners were—Messrs. Patk and Richard Fraher (brothers); Mrs. M. Flynn, Ballinacush; Miss B. Fraher, Abbeyside, and Miss E. Fraher, Clonca (sisters); Mr. Flynn, Ballinacush (brother-in-law); Mrs. Richard Fraher (sister-in-law); Mrs. Mary Egan and family, E. Kieley and A. O'Connor, "Kincora," Abbeyside; Mulcahy's Slaib Clomel; the Power family, Ballyduff; Willie and Kathleen Quiry.

**DEATH OF MISS MARY TERRY, ABBEYSIDE.**

Deep and sincere regret is extended to Mr. John Terry, Lower King St., Abbeyside, on this, his double bereavement in the space of a few months, occasioned by the death of his only child, which sad event took place at the Hospital, Dungarvan, on Monday last after a rather long illness (his wife, nee Dunford, having been laid to rest only a few months ago).

Mary, who was a bright and intelligent pupil of the Presentation Convent School up to her illness, some 12 months ago, was a great favourite with all, and her early death is deeply deplored not only by her school companions and teachers, but by all who knew her.

There was a large attendance, including pupils of the Presentation Convent, who walked in processional order behind the bier, at the removal of the remains to Ballinacush Church on Monday evening, where the Rev. M. Power, C.C., received the coffin and offered prayers for the happy repose of her soul. On Tuesday morning following Requiem Mass at 9 a.m., interment was made in the adjoining cemetery in the presence of another large gathering of friends. The grave was covered with floral tributes, including one from the Presentation Convent Community, her school companions, Mrs. O'Flynn, The Square; Mrs. Moore, Tommy and Mrs. Greany, Aunt Kate and Tommy, Aunt Bridget.

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### All-Ireland Final: ANTRIM v. WATERFORD AT CAPPOQUIN ON SUNDAY, 30th SEPTEMBER, 1945.

AT 3.30 P.M. (S.T.). Referee: M. CODY, Dublin.

Admission, 1/-; Sideline, 1/- extra.

### GRAND CEILIDHE MOR BOATHOUSE HALL, CAPPOQUIN, SUNDAY, NIGHT, SEPTEMBER 30th (NIGHT OF ALL-IRELAND FINAL).

MUSIC BY BRIDESIDE SERENADERS. RINNCE, 10 TO 4.

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**DAVIS Centenary Commemoration.**  
(DUNGARVAN TRADES COUNCIL).

All Members of the following Unions—Irish Union of Distributive Workers and Clerks, Bakers' Union, and Amalgamated Transport and General Workers' Union—are requested to assemble outside the A.T. & G.W. Union Office, 37, MARY STREET, at 7.45 p.m., on MONDAY, OCTOBER 1st.

to take part in the Parade organised in connection with the Commemoration.

Every Member who can possibly attend should make a point of doing so.

Signed on behalf of the Trades Council,  
J. MEANEY, Sec., I.U.D.W. & C.  
D. CONDON, Sec. B.U.  
T. A. KYNE, Sec. A.T. & G.W.U.

### GOOD NEWS FOR DUNGARVAN

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and he had issued stern warnings. He intended now to put these into effect. Power had been found with a gaff in his hand. He would not let a gaff to fall but would fine him £10, the gaff to be forfeited. For fishing within the close season he would impose a fine of £10 also. As regards Butler, the Justice imposed a penalty of £2, and for the four fish in his possession, £2 each, making a total fine of £10. He also ordered Butler's licence to be forfeited.

On Curran he imposed a penalty of £2, plus £2 for the fish found in his possession.

He ordered the fish to be forfeited and allowed two months for the fines to be paid.

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