



Dungarvan Observer

MUNSTER INDUSTRIAL ADVOCATE

Vol. 38. No. 1,140.

SATURDAY, JULY 30, 1949.

(Registered at the G.P.O. as a Newspaper).

PRICE 2d.

MOLONEY FOR HERCULES CYCLES 20/- deposit. 12 months to pay. M. MOLONEY & CO. DUNGARVAN

Enjoy the Heat with . . . POWER'S COOL AND REFRESHING MINERALS

MADE IN THE FOLLOWING VARIETIES:

- LEMONADE
- POWER ORANGE
- LEMON SODA
- GRAPE FRUIT
- ORANGE CRUSH
- LIME JUICE SODA
- DRY GINGER ALE
- RASPBERRADE
- LIME CRUSH
- AMERICAN CREAM SODA
- LEMON CRUSH

WE SUPPLY ALES, LAGERS AND CIDERS, as follows: Smithwick's Ale, Cairnes' Ale and No. 1 Barley Wine, Bass's Ale, Strangman's Ale, Bulmer's Woodpecker Cider (Flagons and 1/2 Pints), Gaymer's Cider, Heineken's Dutch Lager, Regal Irish Lager.

All matured under ideal temperatures and delivered in perfect condition.

ALL ENQUIRIES TO:

THOMAS POWER & CO.

ST. BRIGID'S WELL BREWERY, DUNGARVAN.

GREAT ATTRACTION!

Dungarvan Swimming Club.

SEVENTH ANNUAL GALA

(UNDER I.A.S.A. LAWS), AT THE

Swimming Pool, Dungarvan

On SUNDAY, AUGUST 7th, 1949

commencing at 2.30 p.m.

Programme includes: Munster Championships, Open, Confined, and Novelty Swimming and Diving Events.

The Aquatic Stars of all the Leading Swimming Clubs will attend.

Come and enjoy a great evening's Sport in perfect surroundings.

Admission 2/6, 2/-, 1/-.

DON'T FORGET Grand All-night Gala Dance AT TOWN HALL THAT NIGHT.

MUSIC BY SEAN HEALY & HIS BAND.

Dancing, 10-4. Admission (inc. Tax), 5/-

AN APOLOGY FROM THE TOBY JUG

WE OFFER OUR APOLOGUES TO THE MANY PATRONS WHO WERE UNABLE TO OBTAIN FOOD, ETC., IN THE CAFE LAST SUNDAY. THE HUGE DEMAND WAS NOT ANTICIPATED, BUT ARRANGEMENTS HAVE NOW BEEN MADE TO COPE WITH A SIMILAR POSITION SHOULD IT ARISE IN THE FUTURE.

CLAIM AGAINST URBAN COUNCIL IN HIGH COURT

The hearing begun before Mr. Justice Davitt in the High Court, Dublin, on Thursday, July 21st, of an action brought against Dungarvan U.D.C. by the Zillah Shipping and Carriage Co., Ltd., 7 Chapel Street, Liverpool, owners of the s.s. "Beechfield" claiming compensation for damage which they alleged had been caused to the "Beechfield" by the ship having been placed in a defective or foul berth at Dungarvan in May 1947. The company complained that the U.D.C., who are the conservators of the harbour, did not take reasonable steps to ascertain whether the berth was in such a condition as not to cause injury to the "Beechfield" before ordering her to lie in the berth. The U.D.C. denied, in their defence, that the harbour-master informed the master of the "Beechfield" that the berth in the harbour was in a fit or safe condition for the "Beechfield" to lie in. They denied that the berth was not or was not maintained in a fit or safe condition or that it had become rough, uneven or defective or had inequality or depressions on its surface. They further denied that the "Beechfield" was damaged in May 1947, that the damage was caused by the berth, and that the damage was not caused as the result of any act or default on the part of the Urban Council.

Mr. Ryan, opening for the plaintiffs, said that the "Beechfield" entered Dungarvan Harbour on 20th May 1947, under charter to the cargo of plywood from Dungarvan to Liverpool, and while in her berth on 22nd May when lying on the ground she was damaged. The damage to the hull was extensive and the cost of repairs was £4,541 and they claimed demurrage and the loss of the services of the ship amounting to £2,000 as well as some other losses. The Urban Council and the Harbour Authority knew from the harbour-master's report, who was Francis John Caslin, examined by Mr. Michael Farrell, 4 The Quay, Waterford, and said he executed the charter party for the "Beechfield" to go to Liverpool. Mr. Farrell said he might shorten the case by stating that the berth was on two main lines—(1) whether as regards liability generally, apart from limitation, the Urban Council were liable on the ground of general liability, whether they were entitled to limit their liability by showing that the actual fault which caused their primary liability was not the fault or privity of the Urban District Council. Mr. Farrell, replying to Mr. Budd, said he was the master of the "Beechfield" in 1947. He had been a regular master since 1928. The "Beechfield" was a 7,000-ton ship built in Liverpool. He arrived in Waterford with coal on May 18th, 1947, with orders to proceed to Dungarvan. The harbour-master came on board at Waterford to see, he said, the type of ship that was to go to Dungarvan. He advised the harbour-master that the ship was a 7,000-ton ship. Mr. Farrell said he would be taking the ground at Waterford as the berth was in a fit or safe condition for the "Beechfield" to lie in. He said he was in good order. On May 21st he sailed for Dungarvan where he arrived at 6.30 p.m. with the pilot, Mr. John O'Connor, on board and was berthed in the second berth below the bridge by the harbour-master. He was to load pil-

had in any way affected the level of the ground. In his view the Urban District Council should erect the mud ways from the berth and level the single underneath. Cross-examined by Mr. Burch, he said that the vessel probably would not have been damaged at all if she had been berthed entirely in the mud bank. The danger came when she was berthed partly in the mud and partly in the strip of shingle. He denied that the mud could have been caused by the working of the "Beechfield's" propellers in manoeuvring. Richard Adams, representative of the owners, stated that the total of the company's claim was, including demurrage, port and docking charges, etc., was £7,143. The case for the Urban District Council was opened on Monday morning. Mr. Fitzgibbon said that two masters crossed for consideration: (1) Were the Harbour Commissioners liable, in the ordinary principle of common law in negligence as between investor and invitee. That was the relationship between the harbour authority and a ship coming in. The second master was: If the Harbour Commissioners were liable were they entitled under Section 2 of the Merchant Shipping Act, 1900, to limit their liability. As regards the first of these propositions, it was important, said Mr. Fitzgibbon, to bear in mind that there was no obligation, by statute or otherwise, upon the Harbour Commissioners, to have the berth safe. The Acts which governed them gave them power to put the harbour in a proper condition, but they did not require them to do so. If there was a statutory obligation on the Commissioners to have the berth safe, the position might be entirely different. The obligation in law, as between investor and invitee, was that the investor was to put the berth in a proper condition, but they did not require them to do so. If there was a statutory obligation on the Commissioners to have the berth safe, the position might be entirely different. The obligation in law, as between investor and invitee, was that the investor was to put the berth in a proper condition, but they did not require them to do so. If there was a statutory obligation on the Commissioners to have the berth safe, the position might be entirely different.

Mr. Budd—Up to that period did you do that? I could not say off-hand. Mr. Budd—I suggest you had not done it for several years? It would not be several years. Mr. Justice Davitt—Would it be one year or two or three? It might be three years. In further reply to Mr. Justice Davitt, he said that he and the Borough Surveyor did all they could to purchase a lighter to remove the mud. He also tried to get a crane in Dublin. Mr. Budd—In November, 1946, did you report to the County Manager? Re dredging, the berths at quay were kept dredging very badly. Mud opposite K. Williams and Co. and Messrs. Walsh's has accumulated very much in recent years. If the mud is not removed these berths will be useless. Mr. Curran said he made that report but added that by becoming "useless" he meant that if the mud kept piling up boats of good draught would not be able to berth there. Asked what examination he had made of the berths, he said that passing up and down the quay wall he would see the banks of mud. "What other examination could I make?" he asked, "unless I got down in the mud." Mr. Budd—You got no dredger. You got no lighter. Did you try to get a local contractor to do the work? I know of no contractor suitable for that work. Did you try to get the work done by direct labour? No.

Continued on page 2.

Prepaid Advertisements FOR SALE.

DRAPERY PRICES DOWN AGAIN. Men's Shirts, 7/11; Socks, 1/4 Under Vest and Pants, 3/6; Caps, 3/11; Ties, 1/6; Ladies' Vests, 1/3; Knickers, 2/6; Silk Slips, 4/3; Sets, 8/11; Brassier, 2/3; Silk Stockings, 1/6. All our Summer Frocks, Anklets, Cardigans, now clearing at half price. Tables, Oil Cloth, 2/11; Calico, 1/6; Flannelette, 1/9 per yd.; Sheets, 6/11; Blankets, 7/11; Towels, 1/6; Tea Towels, 1/3. A complete list of our Bargains is possible but come and see for yourselves that prices are lowest at Brennan's Summer Sale, Mitchell Street, Dungarvan.

WANTED. TWO OR THREE good energetic girls wanted for cafe, good references essential. Apply Sheehan, Ryan & Co.'s, Main Street, Dungarvan.

STRAYED From Whitechurch House, Cappagh, chestnut Cob Mare, approx. 14 hands, sandcrack on right fore hoof, well shod, 10 years old.

NOTICE. Any trespassers found on the Land and Kiln at Sandon, or doing any damage will be prosecuted. Mrs. Kelly, Sandon, 2213 Grateful Thanks to the Sacred Heart, Our Lady and the Wounded Shoulders of Our Lord, for great favours received. Unworthy.

CO. COUNCIL OF WATERFORD. Sheep Dipping Order, 1937.

THE Council of the County of Waterford, being the Local Authority under the Diseases of Animals (Ireland) Acts, 1894 to 1945, the Mountain Area Sheep Dipping Inspector will attend at the following Centres on the dates specified to supervise the dipping of sheep in the area and to issue the necessary Certificates.

CO. WATERFORD SHEEP DIPPING REGULATIONS, 1949.

1. All sheep in the Administrative Area of County Waterford required to be dipped under the Sheep Dipping Order, 1937, shall be caused to be dipped by the owner or person in charge thereof at such times and at such Dipping Stations as may be specified in a Notice signed by an Inspector of the Waterford County Council and served by post or otherwise on the owner or person in charge of the sheep referred to in the Notice.

CO. COUNCIL OF WATERFORD. Sheep Dipping, 1937. KILMATHOMAS LOWLAND AREA.

First Dipping. Kilmathomas—Monday, 1st August. Leamybrien—Tuesday, 2nd August. Stradbally—Wednesday, 3rd August. Ballylennan—Thursday, 4th August. Dunhill—Friday, 5th August. Carrill's Cross—Saturday, 6th August. LISMORE AND LOWLAND AREAS. First Dipping. Millstreet—Monday, 1st August. Cappoquin—Tuesday, 2nd August. Lismore—Wednesday, 3rd August. Aglish—Thursday, 4th August. Bishopstow—Friday, 5th August. Tallow—Saturday, 6th August. Kilwatermy—Tuesday, 8th August. Kilkaneer—Thursday, 10th August. Killaheela—Friday, 12th August. Second Dipping. Millstreet—Tuesday, 16th August. Cappoquin—Wednesday, 17th August. Lismore—Thursday, 18th August. Aglish—Friday, 19th August. Bishopstow—Saturday, 20th August. Tallow—Monday, 22nd August. Kilwatermy—Tuesday, 23rd August. Kilkaneer—Thursday, 25th August. Killaheela—Friday, 26th August.

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TO enable sheep owners to comply with the Sheep Dipping Order, 1937, and the Co. Waterford Sheep Dipping Regulations, 1949, the Mountain Area Sheep Dipping Inspector will attend at the following Centres on the dates specified to supervise the dipping of sheep in the area and to issue the necessary Certificates.

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SALES BY JOHN BUTLER. SEXTON STREET, ABBEYSIDE, DUNGARVAN.

IMPORTANT AUCTION OF Residential Licensed Premises Known as "Griffin's Corner House," WITH VACANT POSSESSION.

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SALES BY E. SPRAIT & CO. LISROE FARM, the property of Dungarvan Co-op Creamery, Ltd.

Clearance Sale. HAVING disposed of above Farm, we are further instructed to sell by PUBLIC AUCTION, at our Sales Yard, O'Connell Street, Dungarvan, on FRIDAY, 29th JULY (Horse Fair Day), at 1 o'clock p.m. (S.T.), the following:

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NOTICE OF RATES HAVING BEEN MADE. COUNTY OF WATERFORD. (County Health District of Waterford).

Table showing County Charges: Roads Charges, Public Assistance Charges, Mental Hospital Charges, Sanitary Charges, Housing Charges, General Purposes Charges. Total General Rate: 265.90.

And whereas, the Separate Charges specified in Column II. of the table below are respectively chargeable on the Areas or Contributory Places specified therefor in Column I. of the said table; the Special Rate in the Pound on the County or contributory place for the payment of every such appropriate area and same forms part of and will be collected with the above General Rate in such area or contributory place:

Table showing Separate Charges for various districts: Carrick-on-Suir No. 2, Clonmel No. 2, Dungarvan Urban District, Kilmathomas, Lismore, and Waterford No. 1. Includes names of areas, purposes of charges, and rates in the pound.

TOWN CHARGES. The said Rates will be collected with the above General Rate and Rate for Separate Charges.

Table showing Town Charges for Lismore (36.511 Pence) and Tramore (28.926 Pence).

THE undersigned has received instructions to offer for sale by PRIVATE TREATY, all that and those part of the Lands of MOUNTAIN CASTLE containing 62 Acres 3 Roods and 20 Perches, situate, held in fee simple subject to L.C. revised annual value of £15 10s 4d. P.L.V. £32 10s. 4d. These lands are adjoining the river and are well supplied with water. Lands are well fenced.

MOTOR INSURANCE. PROMPT Cover Arranged. 30 per cent. NO Claims Reduction.

F. P. MCCARTHY & CO., Insurance Brokers, Clonakilty. Phone: Clonakilty 5. 47-13

MOUNTAIN CASTLE, MODELIGO. Farm For Sale.

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O'MAHONY BROS. BRIDGE STREET, DUNGARVAN. Joinery and Carpentry Works.

WANTED, a settled woman for country house. Light work; excellent wages and outings. Box 1889, "Observer" Office.

County Waterford's Largest Cycle Store. FITZGERALD FOR BIKES.

BALEIGH, the All-Steel Bike. Guaranteed for ever, cash price from £10 15s. 6d. Complete with Oil-bath Gearcase, £11 10s. 0d.

THE HYDRO, TRAMORE. CAFETERIA WILL BE OPEN TO THE PUBLIC.

CAFETERIA WILL BE OPEN TO THE PUBLIC on Week-days, 10 a.m. to 11 p.m.; on Sundays, 2 p.m. to 11 p.m.

TEMPORARY COOK AND LAUNDRESS REQUIRED.

APPLICATION FORMS and particulars for the above temporary positions may be obtained from the undersigned, with whom completed application forms should be lodged not later than 12 o'clock (noon) on Tuesday, the 9th August, 1949.

DUBLIN HORSE SHOW.

ON Sunday Next, 31st inst., a special train will leave Mallow for Dungarvan at 9.0 p.m., returning from Dungarvan at 8.0 p.m., arriving Mallow at 10.23 p.m. Time table and day return fares will be as follows:

Table showing excursion fares from Mallow: Castleblawney (2.00), Rathfriland (2.14), Fermoy (2.25), Clondunle (2.39), Ballyduff (3.00), Tallow Road (3.10), Lismore (3.21), Cappoquin (3.30), Cappagh (3.42).

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Table with multiple columns containing financial data, rates, and various notices. Includes sections like 'MADE', 'Rate in the £', 'Rate in the Col. III', and 'Rate in the Col. IV'.

LOCAL HAPPENINGS

IN MEMORIAM. MORRISSEY (3rd Anniversary)—In sad and loving memory of our dear father Michael Morrissey, late of O'Connell Street, who died on the 29th July, 1946. R.I.P. Mass offered.

BURKE (11th Anniversary)—In fond and loving memory of Thomas Burke, Shanacool, who died July 20th, 1938. Sweet Jesus have mercy on him. Immaculate Heart of Mary, pray for him. Masses offered.

CONNORS (8th Anniversary)—In affectionate remembrance of our darling child, Liam, who left us for Heaven on July 28th, 1941, aged 2 years 3 months.

McCABE (2nd Anniversary)—In loving memory of Mrs. Alice McCabe, 59 Cathal Brugha Place, who died on 29th July, 1947. On whose soul Sweet Jesus, have mercy. Masses The midnight stars are shining 'O'er a lone and silent grave; Beneath lies one we dearly loved, But who we could not save.

Mr. T. J. Fleming, Dental Surgeon, will be away from 14 Grattan Square, Dungarvan, until Monday, August 15th.

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Claim Against U.D.C. in High Court.

Continued from page 1. Did you try to do it by direct labour? Not at that particular time. You had it done that way on previous occasions? Yes. Has it been done since? Yes. We got a dredger.

Mr. Justice Davitt—By the proprietor of the "Beachfield"? No, by the proprietors of ships.

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DUNGARVAN SHOW Record Entries and Attendance.

SPLENDID EXHIBITS AND GLORIOUS WEATHER.

All contributed in making the Dungarvan Agricultural Show, held on Thursday, the best of all the shows in the country.

The various trade stands were also much admired, and the members of the farming community were much interested in the exhibits.

The jumping exceeded all previous records, both in the quality and performance of the entrants.

Class 1—Hunter or Huntress, 13-7 and over, 5 years old and over—1, Roger Shanahan, Ashdown, Kilmacshingaugh, 3, R. de Vere Hunt, Rockmount, Kilmacshingaugh.

Class 2—Hunter or Huntress, up to 13-7, 5 years old and over—1, Roger Shanahan; 2, N. Connors; 3, T. J. Ronan, Mockierstown House, Clonmel, Kilmacshingaugh.

Class 3—Hunter or Huntress, 4 yrs. old—1, James Barry; 2, N. Connors; 3, Robert Smyth, Park, Clonmel, Kilmacshingaugh.

Class 4—Three year old Gelding or Filly likely to make a Hunter—1, N. Connors; 2, James Barry; 3, Stephen J. P. Murphy, Barnard, Newcastle, Clonmel, Kilmacshingaugh.

Class 5—Two year old Gelding or Filly likely to make a Hunter—1, N. Connors; 2, Michael Hallahan; 3, Matthew O'Brien, Kilmacshingaugh, Dungarvan.

DUNGARVAN URBAN COUNCIL

At the fortnightly meeting of the Dungarvan Urban District Council held at the Town Hall on Friday night last, the Mayor, Mr. J. J. Veale, presided.

Other Matters Adjournd.—The consideration of motions for the next annual Congress of the Association of Municipal Authorities, was also adjourned to the next meeting.

C.E.L. to Run Excursions to Dungarvan.—A letter was read from C.E.L. stating that a special train would be run from Malton to Dungarvan on Sunday, July 31st, and on August 14th.

Mr. Kelly drew attention to the fact that some years ago such a committee was formed in the town but it fell through.

Mr. Kelly proposed that the Press be kept advised with a copy of the agenda before each meeting.

Mr. Kelly said he had heard about the matter only casually, but he would like to know why this woman should be made an exception of.

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Diet Does it! Be sure that the children get these foods daily—FOODS WITH PROTEIN, which are the main body-builders: MILK, CHEESE, FISH, MEAT, EGGS, PEAS and BEANS.

SENIOR FOOTBALL AT LISMORE

Dungarvan 1-8; Brickeys Rangers 0-2. Despite the discrepancy in the score sheet, this senior football match at Lismore on Sunday last was interesting all through.

Mr. Barry set the Brickeys attacking from the throw-in, but after some nice passing movements the effort was wide.

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IT'S HERE AT LAST!

THE GREAT JESERICH CIRCUS

STRAIGHT FROM RECORD-BREAKING RUN IN DUBLIN PRESENTING TAGORA The Sensational Human Volcano.

THE GREAT HARDER AND HIS Seven Forest-bred LIONS

Also ELEPHANTS, BEARS, HORSES, PONIES, A HOST OF OTHER EXCELLENT ACTS

4.15—Showing Twice Daily—8 o'clock

DON'T MISS THIS

MONSTER FETE AT WOODHOUSE, STRADBALLY

on Thursday, August 11th, at 2.30 to 9.0 p.m. (Summer Time).

IN AID OF STRADBALLY DISTRICT NURSING ASSOCIATION. Horse Jumping, Tug-of-War, Sports, Competitions.

Greyhound Racing at Youghal

The final of the Consolation Stakes should provide plenty of thrills to-night and Swift Race must have a great chance of winning.

ORMONDE CINEMA DUNGARVAN

Performance Each Night at 8.30 p.m. Sunday, July 31st, 1949—HEDY LAMARR, PAUL HENREID, SYDNEY GREENSTRAIT, PETER LORRE.

Tuesday, Aug. 2nd, for 2 Nights—RAY MILLAND, FLORENCE MARLEY, in "Sealed Verdict"

Thursday, Aug. 4th, for 2 Nights—DANA ANDREWS, JEAN PETERS, in "Deep Waters"

Saturday, Aug. 6th, for 1 Night—JEAN KENT, ALBERT LIEVEN, DERRICK DE MARNEY, in "Sleeping Car To Trieste"

ADMISSION: 4d, 1/2, 1/1. MATINEES: 4d, 6d, 1/1. No Half-Prices. Telephone No. 8.

