

title. In his opinion the plaintiff was not a possessor. He would therefore reverse the decision of the court below, and give a dismissal on the merits.

OVERHOLDING POSSESSION.

Robert A. White (plaintiff) appellant, James Kelly and Patrick Kelly (defendants) respondents. This was an appeal from a dismissal in an action for possession of part of the lands of Beagh containing 2a 1r 24p.

Messrs Fetherstonhaugh, K C and Price, B L (instructed by Messrs Fenton and Lyons) appeared for White; and Mr Hynes, B L (instructed by Mr Lonsdale) appeared for the Kellys.

Robert A. White deposed that he was tenant for life of the lands in dispute; he served notices to quit on the defendants to give up possession. He was in America for some years, but worked the lands from 1876 up to 1888. It was never out of the possession of his father.

John P White served a copy on the defendants at Derrawn on the 6th November, 1895.

Elliott Adam White stated he was the owner of the whole Whitehall property up to 1900. He let a farm to a party named Kelly, for which they paid £10. In consideration of that he let it for no specific time at 10s a year. The land was bought by witness from a man named McFernan.

Mr Fetherstonhaugh said the history of the place might be very interesting to the witness, but it was in no way interesting to him (laughter).

Cross-examined by Mr Fetherstonhaugh, the witness said he let the place to the Kellys. He did not tell them they could be removed at any time.

James Kelly stated he got the piece of land from Mr White in presence of his brother (Pat Kelly). Dolan, the former tenant, gave up the land on conditions that he (witness) would be returned tenant. Mr White said he (witness) would be returned tenant if he paid £10, Dolan's arrears of rent.

Michael Kelly stated he was on friendly terms with Dolan, the former tenant. He lived about twenty-five miles from this town (Carrick).

John White stated he knew the Kellys and Michael Dolan. He did not know how many years Dolan had the farm. He had no interest in watching the place. Dolan was a shoemaker, but he did not know whether he worked for White or not.

His Lordship said he disbelieved the case put forward, and reversed the decision of the court below.

A CLOONE CASE.

Michael Curran, Cloone (plaintiff), respondent; Mary Ellen O'Beirne (defendant) appellant. This was an appeal brought by the defendant who was decreed in the court below for wrongful seizure of a horse. The damages amounted to £10.

Mr O'Connor, B L (instructed by Mr T. W Delany) appeared for plaintiff; and Mr Hynes (instructed by Mr J. W. Slacke) appeared for the defendant.

Michael Curran stated he lived in Cloone; his brother John was in England; he never had any dealings with Mrs O'Beirne; his father willed him a foal, and that foal was wrongfully seized by the defendant; he positively swore the foal was his property.

Cross-examined by Mr Hynes, the plaintiff said he was illiterate; in making the declaration, Mr Youell, in Ballinamore, described the animal as a filly, but that was only a mistake; the foal was sent to graze with a man named John Cunningham; he gave £2 to his father to pay the grazier for the grass of the foal; the mother of the foal belonged to his (witness's) father; the foal was given to him by his father in lieu of money which he sent home.

Thomas Curran stated he gave his son the foal, and he kept the mare himself. His son (John) had no claim to the foal, but he had claim to the land. His son (Michael) gave him the money to pay for grazing. There was an agreement made when John was married, but he (witness) did not know where it was. John got married, and was to get the land, and witness was to get the money.

His Lordship—You were to get the money? I got no money. They all stole away from me (laughter).

In reply to Mr Hynes, the witness said it was after the seizure John cleared out. They all got the benefit of the cow and calf.

To Mr O'Connor—John and his wife left the country, and I paid the rent since.

Thomas O'Beirne (son to defendant) stated he appointed a special bailiff to seize on foot of a decree for goods supplied to Curran. He found a grey colt on the farm. He understood the occupier of the farm was John Curran. Mrs John Curran told witness she would sell the colt, and pay his mother. About a fortnight afterwards he went back again. When no money was turned up he again seized on the animal. About two days after he seized the colt, Michael went and made a declaration that the colt was his.

John Cunningham swore the animal was grazing on his land. John Curran settled

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