

THE HEARING RESUMED AS FOLLOWS ON THE 12TH NOVEMBER, 1999,

AT 11 AM:

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CHAIRMAN: Good morning everyone.

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MR. ALLEN: Chairman, before you resume the taking of Mr.

O'Shea's evidence, if you would be good enough to hear an application from me?

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CHAIRMAN: Certainly, Sir.

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MR. ALLEN: You will be aware you had intended to commence taking the evidence of Mrs. Caroline Bailey on Monday.

Unfortunately, Sir, my solicitor has been told this morning that Mrs. Bailey's uncle died early this morning and will in fact be buried on Monday. Mrs. Bailey, Mrs. Bailey's own parents are dead, Sir, and in those circumstances she wouldn't be available to be here on Monday, and I would hope that you would agree that it wouldn't be necessary for her, in those circumstances.

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Equally in terms of juxtaposing witnesses, Sir, her husband would obviously prefer to be there, and insofar as Tuesday is concerned, whereas Mr. Bailey himself could be here, he certainly is strongly of the view that she couldn't, they are a family coming from America and the usual sort of thing. So I would ask you, I apologise for the necessity, Sir, but I would ask you to stand, to consider standing both Mr. and Mrs. Bailey down next week.

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CHAIRPERSON: Well, may I in the first instance tender my sympathy to the lady on her loss of her uncle. I

certainly think that there is no way she could be required to be here on either Monday or Tuesday, because - and I think she is entitled to, should have the support of her husband in these circumstances.

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In those circumstances, as you know I have a commitment for Wednesday, Thursday and Friday and consequentially, the next sitting of this Tribunal after today will be Monday, sorry Monday week, and presumably it will be the Baileys, Caroline and - in other words --

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MR. ALLEN: Yes, Sir, subject to your --

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CHAIRMAN: Everything will be moved back one week.

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MR. ALLEN: Yes, Sir. I am much obliged, Sir. Thank you.

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CHAIRPERSON: Not at all. There will be no sitting at all next week. We will sit at half past ten on Monday next, Monday week next time.

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MR. ALLEN: Yes. Thank you, Sir.

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CHAIRPERSON: Not at all.

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MS. DILLON: I think Mr. Herbert, Sir.

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CHAIRPERSON: Mr. Herbert?

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MR. BARTHOLOMEW O'SHEA RETURNED TO THE WITNESS-BOX AND WAS
CROSS-EXAMINED BY MR. HERBERT AS FOLLOWS:
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1 Q. MR. HERBERT: Morning Chairman. Good morning Mr.
O'Shea.

A. Good morning.

2 Q. Can you hear me?

A. Indeed I can and I can see you too.

3 Q. Thank you very much, I won't stand up if you don't mind?

A. No.

4 Q. I have a bit of a cold so if you have any difficulty
understanding what I am saying please tell me?

A. I have hearing equipment here.

5 Q. Yes. If you have any difficulty at all please signal to
me. Mr. O'Shea, my colleagues and I represent Mr. Murphy
and his various companies?

A. Right.

6 Q. Now, I want to ask you some questions. I will keep away
from dates as much as I can?

A. Thank God, don't.

7 Q. Now, can I ask you, Sir, at the time of the difficulty
regarding the surface water drain on the Dermot Moore lands
at Martello, do you remember that?

A. Yeah.

8 Q. At that time am I right in thinking that Mr. Gogarty was an
executive in the Murphy company group?

A. No, no. I don't remember Gogarty coming on the site at
all.

9 Q. No, he may not have been on the site, was he not working
for the Murphy Group?

A. He was working for the Murphy Group all right.

10 Q. Thank you, Sir, that's all I wanted to know. Can you tell the Tribunal whether in your, to your knowledge Mr. Gogarty was aware of the meeting between you and the late Mr. Shanahan and the four officers of Dublin County Council, including Mr. Redmond, in relation to that drain?

A. Would you mind repeating that again please?

11 Q. I want to know, can you tell the Council (SIC) whether Mr. Jim Gogarty would have been aware of the meeting you had with the four officers of Dublin County Council in relation to that drain at the Martello lands?

A. Well now, I can't. I can't remember that at all.

12 Q. Please, Sir, if you don't remember just say so?

A. I just can't remember now.

13 Q. Now, you told the Tribunal in your statement that later on you had another difficulty on the Martello Estate and that related to the proposal to build a public house near a shopping centre?

A. That's right.

14 Q. And in relation to that, you visited Mr. Redmond?

A. Yes, yes. Correct.

15 Q. Can I ask you, Sir, whether in your opinion, Mr. Jim Gogarty would have been aware of that visit you made?

A. I can't. I might be aware but it was to Joe Murphy I spoke any way.

16 Q. Yes. But so far as Mr. Jim Gogarty is concerned I am just asking you, can you say from your recollection whether he would have been aware of that incident?

A. I don't know whether he was or not.

17 Q. Thank you, Sir. Now, I now want to take you to more recent events, and that is the time when you were trying to sell the four acres at Poppintree?

A. Yes.

18 Q. Now, you were attempting to sell these lands to Mr.

Gogarty; isn't that right?

A. Yes.

19 Q. Now, you have told the Tribunal in the course of your statement and your evidence here today, that during the course of these negotiations he asked you would it be possible to meet with George Redmond?

A. That's right, he did yes. He said, he said that "You play golf with George Redmond", he says. "I slipped up badly", he says. "I should have started playing golf too". "You are not late yet", says I. Anyway, he did speak a lot about Balgriffin, a boundary in Balgriffin. But he said he would like to meet George Redmond, also concerning Poppintree.

20 Q. I see.

A. That's the truth now.

21 Q. Yes. Now, can you tell the Tribunal whether your impression was at that time, whether he had any acquaintanceship with Mr. Redmond?

A. Oh, I don't think so, when he asked me, you know, I don't think he had, he had no acquaintance at all whatsoever, as far as I can understand anyway. He would hardly ask me to introduce him to Mr. Redmond if he had known him before.

22 Q. I didn't want to put the word in your mouth, Sir, the word in your statement was "meet" not "introduce", that's why I ask the question?

A. I didn't understand you there, sorry.

23 Q. I am just explaining in your statement you didn't use the word "introduce", that's why I raised the issue?

A. I know.

24 Q. How did he know, do you think, that you played golf with Mr. Redmond?

A. I don't know. I couldn't tell you how he knew. I haven't a clue.

25 Q. Yes. Fair enough. Now, so you agreed at any stage the suggestion --

A. Yes, I did.

26 Q. I think you told the Tribunal that you telephoned Mr. Redmond's office and arranged for a meeting?

A. I telephoned - for a meeting with what?

27 Q. A meeting between Mr. Redmond --

A. I did yes, that's correct.

28 Q. And did you arrange that meeting with Mr. Redmond himself or with a secretary?

A. No, himself.

29 Q. I see. And can you recall at this time what you said to Mr. Redmond by way of explaining why you were calling?

A. Oh, it is a hell of a long time ago.

30 Q. It is, Sir.

A. I can't go back to the exact words now that I said when I went in. It is very hard for me to think of it.

31 Q. So, at any rate --

A. We went in anyway and we met --

32 Q. Can I stop you for a moment there, Sir. We haven't got to the meeting yet, Sir, we are only talking about the arranging.

A. The arranging. Fair enough.

33 Q. Now, where were you living, Sir, at the time?

A. I was living in Donnybrook.

34 Q. Yes. I think you still live there?

A. I still live there.

35 Q. Yes. So on the day appointed for the meeting did you travel with Mr. Gogarty or on your own?

A. No, I think we made an appointment to meet in O'Connell

Street.

36 Q. I see.

A. That's as far as I can remember anyway.

37 Q. I see. Then you went into the offices together?

A. That's right.

38 Q. And I take it that in the normal course then you were brought to see Mr. Redmond?

A. That's right.

39 Q. Yes.

A. Yes, I waited my turn and there was a lady there that took us in to see Mr. Redmond.

40 Q. Yes. And what happened when you arrived in the room?

A. There was - I said "this is Jim Gogarty", that's all. "You know he is chief man with Joe Murphy" .

41 Q. Um hum.

A. "And he would like to have a chat". That's all. They were talking away --

42 Q. Before we get to that, I mean, did you form any impression as to whether these gentlemen did or did not know each other?

A. I was quite certain they did not know each other. Well Gogarty might have seen, he could have seen Redmond anywhere you know, but he didn't know him anyway. Whether he did or not, he asked me to take him in to him.

43 Q. Yes. So can you recall, Sir, at the time of going to this meeting whether you or Mr. Gogarty had any paperwork with you?

A. Paperwork?

44 Q. Papers of any sort, plans, maps, documents of any sort?

A. I couldn't tell you. I might have plans in my pocket. But I don't think there was any plans introduced at all, as far as I can remember.

45 Q. Had you any function there at all, other than to effect the introduction between the two gentlemen?

A. I had no other functions no, just to introduce them.

46 Q. Yes. Did you remain on at the meeting?

A. I did. We weren't that very long anyway.

47 Q. About how long would you have been there?

A. I suppose, mostly half an hour I suppose. I don't know, it could be half an hour, it could be less.

48 Q. Yes. And did you do any talking?

A. I didn't.

49 Q. And I take it the other two gentlemen spoke to each other?

A. They did, yes. I can't remember talking. I can't remember talking to them now, it is a long time ago.

50 Q. It is, it is a long time ago. But unfortunately - but, you remained throughout the meeting, did you?

A. I did, yes.

51 Q. Did you leave with Mr. Gogarty?

A. I did, yes.

52 Q. And did Mr. Redmond leave with you or stay behind?

A. No, he stayed in his office.

53 Q. Now, I think you have already told us to the best of your recollection what was discussed. Could I trouble you to tell me again, so far as you can remember what was said between Mr. Gogarty --

A. I know Gogarty didn't speak very much about Balgriffin anyway.

54 Q. Yes?

A. I don't know was it mentioned at all, I went out to see the boundary with Gogarty afterwards.

55 Q. Um hum.

A. But they spoke a lot about Poppintree and about roads and drains, and I didn't know in the name of God what they were

talking about.

56 Q. Yes. And do you know while you were there if any arrangement was made for the two gentlemen to meet again?

A. No, no. I didn't hear anything like that, there was no such, no such arrangements made.

57 Q. Were you ever asked by Mr. Gogarty at any later stage to effect another, arrange another meeting with Mr. Redmond?

A. No, none whatsoever. Not that I can remember, no there wasn't.

58 Q. I think, Mr. O'Shea, it is only fair that you should know why I have been asking some of these questions. There is a difference of recollection between what your recollection is and Mr. Gogarty's recollection as to how he came to meet Mr. Redmond, and I think it is only fair that you should know about this.

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He has told the Tribunal, Mr. O'Shea, that it is his recollection that he had met Mr. George Redmond as far back as 1984?

A. I didn't know that.

59 Q. Did he give you any --

A. No.

60 Q. -- reason to believe that he had ever met Mr. Redmond?

A. When he asked me to introduce him, to take him in to Redmond, I was quite certain that they never met before.

61 Q. Um. Now, he also was of the opinion, Sir, that he met Mr. Redmond through the offices of Mr. Michael Bailey, some time in 1988, he originally said April or May of 1988, I think he is now prepared to accept it might be earlier in 1988, but he said that he was introduced to Mr. Redmond by Mr. Michael Bailey?

A. I didn't know anything about - Bailey didn't come into the

question at all whatsoever. Gogarty never spoke to me about Bailey.

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CHAIRMAN: Mr. Herbert, I take it you are referring to the meeting in Phoenix Park?

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MR. HERBERT: I beg your pardon, Sir?

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CHAIRMAN: You are referring to the meeting in Phoenix Park?

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MR. HERBERT: No, no, I am referring to paragraph, Sir --

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CHAIRMAN: No, no, the meeting between Mr. Redmond and Mr. Bailey and - sorry --

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MR. HERBERT: No, Sir.

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CHAIRMAN: I am getting confused.

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62 Q. MR. HERBERT: No, Sir, paragraph 28 of Mr. Gogarty's statement. I think I will read it out - I am reading out Mr. Gogarty's recollection. Mr. O'Shea, let me understand, we are all here talking about honest recollection, do you understand?

A. Fair enough.

63 Q. Yes. "I met Michael Bailey for the first time in late April or early May 1988". Now, in fairness I have to say that I think in his evidence Mr. Gogarty said he might be mistaken and it could have been earlier in 1988.

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"At a meeting between us at JMSE's office in Santry,

arranged as a result of Michael Bailey telephoning me. Michael Bailey told me that Joseph Murphy Snr. had telephoned him and that he, Michael Bailey, could set up a meeting for me with George Redmond about the Forest Road lands. Michael Bailey also said that at the time he had an interest in acquiring the lands. After this meeting Michael Bailey arranged a meeting for me with George Redmond, which took place in George Redmond's offices in Dublin County Council Administrative Building in O'Connell Street in May 1988". Then he describes how he went in, was shown to see him?

A. I know nothing about that. I know nothing in the world about that.

64 Q. As far as your recollection is, Mr. O'Shea, were you the first person to effect an introduction between Mr. --

A. I felt that way anyway, because he wouldn't have asked me to introduce him or take him in to George Redmond only for he didn't know him.

65 Q. Yes.

A. I didn't know why he wanted me there at all, if he had known him before. I didn't know he had known him before according to that.

66 Q. I take it, Mr. O'Shea, that your attitude was you were hoping he would buy these lands, and you were perfectly happy to oblige him in anyway you could if you could effect a sale?

A. That's right. I would do anything to get rid of the bloody land.

67 Q. Yes. Now, you were shown yesterday, a copy of a diary which was found in the house of Mr. Redmond, do you remember this document? You were being asked about dates and things?

A. That's right, all the days there.

68 Q. Now before I get on to that, do you remember that on the 4th of December you signed a letter which you sent to the Dublin County Council or Dublin Corporation, saying that your solicitors were Messrs. Hussey and O'Higgins, do you remember that?

A. Yes, I do.

69 Q. And you mentioned that the solicitor in fact dealing with the matter in that office was a Mr. G O'Shea?

A. That's right.

70 Q. Is he your son, Mr. Gerrard O'Shea?

A. He is, yes.

71 Q. And I take it that, did you have any further communication from Hussey and O'Higgins about any contact they had with the Corporation?

A. No, I had no further - I can't remember any further communications or consultations with Dublin Corporation. I can't remember. Might be now, but I can't remember it. Christ I haven't a memory like that.

72 Q. Now, I take it, you told us that you knew the late Mr. Denis McArdle?

A. I did yes, I knew him.

73 Q. You accept he was a man of great probity and integrity?

A. He was, quite a nice man, now.

74 Q. Yes. Mr. McArdle has told the Tribunal, through a statement, that in November of 1988 he received instructions from Mr. Gogarty in relation to the purchase of the lands at Poppintree?

A. That must be right so. I don't know what --

75 Q. So Mr. Gogarty was instructing his solicitor in 1988?

A. That could be right.

76 Q. November of 1988. Now, I think you told us that,

yesterday, that your recollection is that the negotiations proceeded for quite a long time between you and Mr. Gogarty?

A. I think it did, yes. I think it did, yes. As far as I can remember anyway.

77 Q. You also told, I think you also told us yesterday, Mr. O'Shea, that at some time, some councillor told you that they would not be interested in acquiring the land?

A. That's right.

78 Q. Now, I want to come back now, if I may, to this diary that you were shown yesterday. Do you recall My Learned Friend showing you a page from a diary found --

A. That's right, yes.

79 Q. I wonder could we have that again, Mr. Chairman. 7th, 8th and 9th of January of 1988?

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CHAIRMAN: Yes, I certainly have it in front of me here.

Has the witness got a copy?

A. I had a copy but I don't know --

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CHAIRMAN: It is coming up on the screen.

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80 Q. MR. HERBERT: Mr. O'Shea, were you involved in the purchase of the lands at Forest Road in Swords?

A. I was. I bought it for Joe.

81 Q. So you are very familiar with them I take it?

A. I know the land as well as I --

82 Q. Yes. Do you see that document there in front of you?

A. This.

83 Q. Yes. (Document handed to witness). You see it says "Urgent Attention". Take your time. It is very difficult indeed.

A. It is like a doctor's writing. "4:30 - Redmond". "9:30 --

84 Q. Just jump down, do you see the part of the page marked "For Urgent Attention"?

A. Yes.

85 Q. And then it starts with what looks like "Michael Lynch" and something "Sell", do you see the first entry?

A. I do, yes.

86 Q. Now ignore that. Do you see the next entry, "Brackenstown - Gogarty"?

A. Yes.

87 Q. Where is Brackenstown, Mr. O'Shea?

A. Brackenstown?

88 Q. Um?

A. Is it Swords?

89 Q. Yeah. Is it near the, is it near Forest Road?

A. Oh, it would be near Forest Road, that's right.

90 Q. Am I right in thinking that it is a road which comes in at right angles to Forest Road?

A. Yes, up by the - yes, I know where it is now. That's right. It is, yes.

91 Q. And am I right in thinking that between the Forest Road lands and Brackenstown Road is something called The Ward River Valley?

A. Yes, The Ward River is there all right.

92 Q. And am I right in thinking that the lands in respect of which permission was obtained for 206 residential units was immediately to the south of the Ward River Valley?

A. Repeat that again?

93 Q. In other words, that between the Forest Road lands and Brackenstown Road was The Ward River Valley?

A. I am with you now.

94 Q. And that was public open space --

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 MS. DILLON: I think, I don't wish to interrupt My Friend, I think in relation to this witness that's, the planning permission in respect of Forest Road was 1983. This witness has given evidence that he severed all connection with Murphys in 1978. Perhaps My Friend, if he wishes, to lay a basis for the conclusion he is seeking to draw from this witness, he should lay a better basis of the knowledge or information from the witness.

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 MR. HERBERT: He says he bought the lands and he says he knows where the lands are. I wonder, Mr. Chairman, could we have, perhaps if you have it, I don't know if you have the original of the Duffy Mangan Butler valuation of March of 1989, if not --

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 CHAIRMAN: We certainly do --

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 MS. DILLON: We don't have the original, Sir, but we do have a copy, we can put it up on the screen for Mr. Herbert. There is no difficulty.

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 95 Q. MR. HERBERT: It is Part No. 3, Mr. Chairman. The text is headed "Lands at Forest Road, Swords, County Dublin", and there is a map accompanying it on the following page. If you would be so kind as to, ask to - I can't give you, Sir, any more description than that unfortunately?

A. I know Forest Road all right and I know when the land was bought. Christ I --

96 Q. Just wait a few moments until we see this map, Mr. O'Shea, and it might help you better, and I can ask you then in relation to the map, specific questions.

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MS. DILLON: It will just take a few minutes to take the map down off the system and put it up on the screen.

A. Will I see it here?

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97 Q. MR. HERBERT: Would you like to have a rest?

A. I am all right, I will carry on, I will be all right. I will carry on.

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MR. HERBERT: That's fine.

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CHAIRMAN: It is coming up now, just a moment.

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98 Q. MR. HERBERT: Can you remember, before we see the map, Mr.

O'Shea, where Brackenstown is in relation to Forest Road?

A. I can't. I knew that place very well, but it is gone out of my head now.

99 Q. Well then, let's wait and see the map?

A. If I saw the map I might have an idea all right.

100 Q. Quite. Quite.

A. Mr. Chairman, I think I will take, I want a few minutes of a rest, I want to test my blood.

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CHAIRMAN: Right, we will raise for ten minutes and by that time we will have the map. Right.

A. Thank you, Mr. Chairman.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AS FOLLOWS:

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101 Q. MR. HERBERT: Can you see that, Mr. O'Shea?

A. See what?

102 Q. The map, do you have a copy on your own TV, your monitor next to you?

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CHAIRMAN: Just a moment, the map has gone off it. It is coming up again. That's it now?

A. That's better now.

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103 Q. MR. HERBERT: Yes. Can you orientate yourself on that map, Mr. O'Shea? Can you find your way around it?

A. Wait a while now. I know that the Lord Mayor's pub anyway, when you are going on the main road you turn left at the Lord Mayor's pub, I make that out as --

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104 Q. MR. HERBERT: I wonder, Mr. Chairman, could we put up the original map, the undeveloped map in the Duffy Mangan Butler report of March 1989, and let him look at that.

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I wonder, Mr. Chairman, does the witness have the list that My Learned Colleague offered to him yesterday, before he said he would prefer to give his own, or the day before, give his own description of the lands he acquired for the Murphy's?

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Now, do you see that map, Mr. O'Shea?

A. I do yes, I see it all right.

105 Q. Now, can you find your way around that map, around that map?

A. You wouldn't have a map from the ordinance survey? It would be more useful than that goddamned thing.

106 Q. Do you see Grafton Construction Company Limited there?

A. I do, yes.

107 Q. And you see that land there, do you recognise that land?

A. That must be the Forest Road land, is it?

108 Q. Well --

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CHAIRMAN: Look, Mr. Herbert, I think you are entitled to lead. Isn't the reality, that area marked "Forest Road land" that's the additional land that borders the river?
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109 Q. MR. HERBERT: Do you see the irregular line on the top, Mr. O'Shea, that's The Ward River?

A. I do, yes.

110 Q. And you see the land with the heavy line around it?

A. Yes.

111 Q. That is the Forest Road lands?

A. I am with you.

112 Q. Yes. And you see the, there is a plan for a housing scheme?

A. Yeah.

113 Q. And that is the 30 acres which was ultimately developed I think?

A. Is that right?

114 Q. Yes. And then the part above it is eight acres of undeveloped land, do you see that, just south of the river?

A. Yes, I see that, yes.

115 Q. Yes. Now, am I right in thinking that Brackenstown is on the, on the west of that plan as we are looking at it, that it is next to, joining over to Forest Road?

A. I expect it is, that's right. Yes, it is.

116 Q. I think on the list that My Friend put to you the day before yesterday we saw a number of names called "Hill Town, Windmill" and other names, I think they are all the lands round about the Forest Road lands shown on that plan there; isn't that right?

MS. DILLON: Tab 6.

117 Q. MR. HERBERT: Do you see them, called Hill Town and Windmill?

A. Yes. That's okay, yes.

118 Q. They are the lands on the North and the South and the West of the Forest Road lands shown there on that plan; isn't that right?

A. That would be it. That would be it, yeah.

119 Q. Yes. So that in effect, Brackenstown is more or less an immediate neighbour and adjoining The Ward River Valley and the Forest Road lands?

A. That's right. That's right. That's correct, yes.

120 Q. Thank you very much indeed.

A. I know that.

121 Q. You have it now?

A. I have it.

122 Q. And am I right in thinking that Balgriffin is nowhere near that?

A. Oh, Balgriffin --

123 Q. It is much further away?

A. It is.

124 Q. And Poppintree is further away as well?

A. It is a different place, Poppintree is different.

125 Q. Now, I wanted to ask you again, Mr. O'Shea, about a matter which arose on Day 102 of this Tribunal. Volume 102, Sir, page 106, starting at Question 599. I will read this to you, Sir.

A. Okay.

126 Q. My Friend, Counsel for the Tribunal was discussing with you the question of Martello, do you remember that?

A. Martello, yes.

127 Q. The pub and the drain?

A. Yeah.

128 Q. Um. And she asked you: "So, it would be reasonable to conclude that when you were making a full disclosure to Mr. Murphy about the difficulties you were having in Martello, you told him all from the start to finish?" And your answer was "Yes". Then she said: "Including the fact that you had gone in to see Mr. Redmond, and Mr. Redmond had provided a solution for the problem". And you started to answer, "I don't know whether" and then I interrupted. Do you remember that?

A. Come again now? It was when I went in to see Mr. Redmond about what?

129 Q. No, about - I think My Friend was putting to you as regards the, I think the pub and the church, do you remember that?

A. Yes, that's right. I am with you now.

130 Q. That's the problem. I think she was also including in it the drain problem. She said that you told Mr. Murphy about the solution, that Mr. Redmond proposed, do you remember that?

A. Yes, I did, yes.

131 Q. And then when she asked you did you tell him the fact that you had gone in to see Mr. Redmond?

A. Yes.

132 Q. And did you tell him that it was Mr. Redmond himself that had proposed the solution?

A. Yes, I did. As far as I know I did, yes.

133 Q. And you said at that stage, you said you didn't know whether, and I stopped you at that stage. Now, later you said that you, that you probably told him?

A. Probably told him what?

134 Q. Probably told Mr. Murphy that it was Mr. Redmond that had suggested --

A. Suggested, yes. Sure I did, yes.

135 Q. I mean, how can you be sure at this remove?

A. As far as I can remember. I had to tell him because the land wasn't ours.

136 Q. That's right.

A. And I couldn't give that land away. I had no authority to give that land away.

137 Q. That is correct. That was in respect of the solution that was proposed?

A. Yeah.

138 Q. But I think the question was did you tell him who the specific author of that solution was, who --

A. I don't know whether I did or not.

139 Q. Yes, that's what I thought was the situation?

A. I couldn't tell you now.

140 Q. Now, am I right in thinking that at this stage Mr. Murphy was more or less all the time in what he called "his country", England?

A. Yes.

141 Q. And I think he was a very successful and prosperous businessman at that time?

A. Indeed he was. He said he was an English man. I told him he was a culchie.

142 Q. Mr. Gogarty said he had up to ten firms in England at that stage?

A. He probably had.

143 Q. Yes. Were you aware of the extent of Mr. Murphy's --

A. I was, as a matter of fact when I was over there he showed me all his headquarters and offices and everything.

144 Q. Were you aware he had firms more or less from Scotland down

to the south of England and east and west?

A. All over the place. He had firms in different places. He was a powerful man.

145 Q. Yes. I think he more or less left the running of O'Shea and Shanahan to you?

A. That's right, he did. Buying the land and all that stuff.

146 Q. Did he get anyway involved in the planning permissions and type of houses and all of that?

A. Well, there was no planning. Any land that we built on was approved land.

147 Q. I accept that, yes, but I mean did he get involved applying for planning permissions, house types, compliance and all that?

A. He did not no, no.

148 Q. You told the Chairman that he was a one-third owner?

A. That's correct, yes.

149 Q. You are sure of that, are you?

A. I am, yes.

150 Q. The recollection of Jim Gogarty was that he owned 50 percent?

A. He was a one-third owner.

151 Q. And that means that he was the minority owner, you and Mr. Shanahan had a third each?

A. We had, yes.

152 Q. You said that he purchased the lands and then in I think, which was the fashion at the time, he gave a building license to the building company to build; is that right?

A. That's right, yes.

153 Q. And then he was paid a fine in return for executing the conveyance?

A. Correct, yes.

154 Q. I think that was the accepted way of developing land at the

time?

A. That's right.

155 Q. Am I right in thinking this had something to do with tax and development tax?

A. I know about tax.

156 Q. Right. And did Mr. Murphy obtain a dividend from the company of profits in relation to his one-third or --

A. He did not, no.

157 Q. So all he got was his fines?

A. His fines, yeah.

158 Q. You were very close to Mr. Murphy; isn't that right?

A. I was, yes.

159 Q. And did you know his wife, Una?

A. I did, yes.

160 Q. I think you said you and your family went on holidays with them?

A. We did, yes.

161 Q. Your wife is Mary; is that right?

A. That's right.

162 Q. Did she know Una?

A. She did, yeah.

163 Q. When they lived in Ireland, Mr. O'Shea, where did they live?

A. Where did they live? They lived in Fitzwilliam, 23 Fitzwilliam Place.

164 Q. Yes. Do you remember the time Una Murphy died?

A. I do, yes.

165 Q. I think that was in 1991; isn't that right?

A. I suppose it was.

166 Q. I understand you about the dates. Did you go to the removal?

A. I did, yes.

167 Q. And did you see Mr. Murphy at the removal?

A. I did, I sympathised with him in the church, yes.

168 Q. And would it be possible for you to tell the judge how the man was on that occasion?

A. No, I didn't have the occasion to - I didn't have any occasion to - what judge are you talking about?

169 Q. Sorry, the Chairman?

A. The Chairman?

170 Q. I know him in several capacities. Can you recall how Mr. Murphy was feeling on that day, how he looked and was?

A. He was very sad over it. Very sad as far as I could see him.

171 Q. Were they a close couple?

A. They were, yes. Well they were.

172 Q. The reason I am asking you, again so there is no mystery about this, Mr. O'Shea, is that it has been suggested to the Tribunal that on that occasion, the removal of his wife, that Mr. Murphy was in a position to discuss business and talk about the return of sums of money?

A. I wouldn't think, I wouldn't think he was, no. I wouldn't think so. I don't think, I don't know - I met him at the church when that was, at the front of the church when I went up to sympathise with him. I came away but I was standing outside on the foot path afterwards talking to the lads.

173 Q. You actually nominated Mr. Jim Gogarty for his position in Milners; isn't that right?

A. I did yes, I did.

174 Q. And I mean, he was aware of that because he so tells the Chairman in his statement, that you - were you then surprised at his reaction when you went to him in relation to the nine acres at Saint Helen's?

A. The nine acres?

175 Q. Do you remember you wanted to buy nine acres?

A. Yes, that's right. That's right. Yes. Well, he gave me a bit - Joe told me to, I asked Joe.

176 Q. Yeah, and he told you to go to Gogarty and you went to him?

A. I did, yes.

177 Q. I don't think you got very far with him?

A. Not very far.

178 Q. Were you surprised he was the man that you had actually --

A. He was, yes, I don't know. He was a strange kind of a man, I tell you that now.

179 Q. Well, had you quarreled with him in the interval between?

A. I didn't, but I hadn't quarreled, I never quarreled, he was a great friend of mine always, I thought an awful lot of him. But he seemed to change, he got, he got complete, he was the - he was my boss as you may say. He was in charge of the land that I was building on.

180 Q. Yes. I think you were actually a director of JMSE at one stage; is that right?

A. I was.

181 Q. Yes. Did you take any active part in it?

A. I used attend the meetings with Brendan Devine and Gogarty.

182 Q. Um hum. So that I mean --

A. But I didn't, I wasn't much of an asset to them because I know nothing about structural steel, and God knows I had enough on my head to be --

183 Q. Yes. Did you take any interest in the undeveloped lands, in other words the lands that were fallow?

A. No, I did not, no.

184 Q. So am I right --

A. I had enough to keep me going.

185 Q. Yes. So am I right in thinking more or less Mr. Devine

and Mr. Gogarty had the running of that?

A. I expect they did, yes.

186 Q. Just a point that matters to Mr. Murphy, do you remember,

Mr. O'Shea, you thought that Mr. - you told in your statement that your recollection, again it is a date I know, and you warned us about dates, that your recollection is that in 1950 that Mr. Murphy left the police force, the Garda?

A. That's right, yes.

187 Q. He told the Tribunal, Mr. O'Shea, that he left the Garda in 1945?

A. '45, well --

188 Q. Do you remember you were five years out about the date of your own wedding?

A. What?

189 Q. You were five years out also?

A. Quite possibly was. I told you dates mean nothing to me.

190 Q. I understand, Sir. He wants to remind you that the first job he had was dismantling the sirens in Blackpool in 1946?

A. Is that right?

191 Q. Himself and his brother Paddy. Do you remember Paddy?

A. I do Paddy, I knew Paddy quite well, yes, I knew them all.

192 Q. So you don't disagree with him when he says it was '45?

A. Not at all, whatsoever. It could be '45?

193 Q. Yes?

A. Yes, it would be --

194 Q. Mr. Gogarty thought it was actually during the war, but no it was just after the war?

A. Just after the war.

195 Q. Yes. You had ceased to be a director of JMSE in 1987; isn't that right, Mr. --

A. Must be, if you say so.

196 Q. Yes. So you had really no connection then with --

A. I had not, no.

197 Q. After that?

A. When I went to live in Donnybrook I pulled out of it.

198 Q. Yes. There is one thing. Again I think it is only fair that it should be put to you, Mr. O'Shea, Mr. Murphy --

A. Yeah.

199 Q. -- told the Chairman when he visited him as a Commissioner in Guernsey, that he never knew Mr. Redmond?

A. No, he never, as far as I know he never knew Mr. Redmond.

200 Q. And he went further and he said that he had never heard of George Redmond?

A. Quite possibly, yes.

201 Q. And I, Mr. Callanan who was Mr. Jim Gogarty's counsel, put it to him several times and five times he said that he had never knew or heard of Mr. George Redmond?

A. Quite possible he did not, he wouldn't be interested in him.

202 Q. Yes. Thanks very much, Mr. O'Shea. Sorry for being so long with you.

A. It is all right. But I got confused there.

203 Q. It is very difficult, the maps.

A. I tell you, I knew Swords as well as I knew my right hand. "Swords" they used call it, the natives. And you know, it is gone out of my head.

204 Q. I think they are right in their pronunciation.

A. You are not a Swords man.

205 Q. Thank you Chairman.

A. Okay.

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CHAIRMAN: Mr. Callanan, would you like to take up?

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MR. CALLANAN: Yes, Sir.

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CHAIRPERSON: And be nice and brief.

A. Thank you.

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THE WITNESS WAS THEN CROSS-EXAMINED BY MR. CALLANAN AS
FOLLOWS:

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206 Q. MR. CALLANAN: Mr. O'Shea, I appear for Mr. Gogarty.

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I think you have already told the Tribunal that you knew
Mr. Joseph Murphy Snr. from national school in the early
1920s?

A. That's right, he was in front of us, he was in front of Joe
and myself a few years.

207 Q. Yes. You said that when you returned to Dublin around
1948, 1950, you met Mr. Murphy again and that at that
stage, I think you said, he was still in the Guards, and we
know he wasn't still in the Guards because as Mr. Herbert
has said --

A. I don't know. I met him, he was in the Guards when I met
him first at the GPO and somebody came along - no opposite
the GPO, on the far side. Somebody came along and asked
the Guard where he could get stamps, "look over there" he
said, "the GPO is full of them". That's, I always
remember that quite well. I will never forget it and that
was now, when I came from England.

208 Q. Yes.

A. When I came from England. I went to England after the
war, the war was just over, what date was that? And I was
there for about three years or so. I didn't like England
at all, I thought it was a kip of a country to be honest

with you. I was working for a very good firm there, John Lange, big firm. They would keep me on all right, but I pulled out.

209 Q. Can I just suggest to you that you perhaps knew Mr. Murphy

Snr. more or less continuously - sorry, I wonder if --

A. Well no, not continuously, no. I met him in Dublin, yes.

We used to go, he used to go to a pub that the Cahirciveen people went to, we often had a drink together and a chat, that's all, never discussed any land.

210 Q. I am suggesting that you knew him, knew Mr. Murphy Snr.

more or less continuously from Cahirciveen, that there may have been periods when you were in England or he was, but you would have known him over the period that you --

A. Strange thing now. He wasn't, I was in England over at a motor show, and as far as I can remember, of course he was a kind of a changed man when he was dressed up, it was a motor show. As far as I remember he came, as I knew, he came in to discuss something with somebody and he went off again. I told him that afterwards, that I saw him, but I didn't like to be interfering with him in his whatever.

211 Q. But it does seem for example you knew him during the period when he was in the Guards and you knew him in the period subsequent to that?

A. That's right. I just only saw him. And I told him that after, "why in the name of God", he says, "didn't you come over to me and talk to me?". "Now you were very busy, and I knew you were a very busy man and you were talking to this man. I wasn't going to go interfering with you". Well, he says, "If you came to me", he said, "We would have a good night in the Irish centre".

212 Q. I think, Mr. O'Shea, you referred to Higginbothan and Stafford who are a firm of architects and engineers?

A. Correct, yes.

213 Q. And I would just like to clarify this, was your evidence that you acquired sites from Higginbothan and Stafford as well?

A. Yes, when we started building first, just acquired a site and paid for the sites and we had the house built, you wouldn't get your title deeds.

214 Q. Are you saying Higginbothan and Stafford would provide a site or provide sites? The only reason I am asking this, Mr. O'Shea, is it wouldn't seem to be in the normal line of business for a firm of architects and engineers to --

A. Well, they were working, they were doing the whole job for Clonmel Estates, he was a solicitor, and he bought the track of land up in Ballymun, and it was Higginbothan and Stafford that had the giving of the sales and it was him that took the money.

215 Q. So you acquired them through Higginbothan and Stafford?

A. Yes, through Higginbothan.

216 Q. And were they involved as architects to Clonmel Estates?

A. They were yes, that's right.

217 Q. And did you work on the Clonmel Estate?

A. I did, yes.

218 Q. And what amount of work was involved or what percent of your involvement?

A. 12 or 14 houses or something like that.

219 Q. Was that you in partnership with Mr. Shanahan?

A. No, only Mr. Shanahan and myself.

220 Q. Yes. And I think you said in your evidence that you met Mr. Gogarty in the early to middle 50s as an engineer in Higginbothan and Stafford?

A. That's right, yes.

221 Q. I want to put to you, it is a matter again of dates, that

Mr. Gogarty didn't qualify as an engineer until the end of 1958?

A. That's right.

222 Q. And it was just over 12 months later that he joined Higginbothan and Stafford, in early 1960?

A. He was - he was in Higginbothan.

223 Q. It is just a matter of dates?

A. I might be wrong there all right. It might be when we bought Rathbeale Estate. We were in with Higginbothan - I am kind of mixed up now to be honest with you. When we bought Rathbeale Estate I know well I was talking to Jim Gogarty and, where the hell was it now? And I told him that the, the bloody bank wouldn't - they had a credit squeeze at the time, although we had a pub and it was in the black. We thought, you know, that we would mortgage that against the bank and get the money, but the banks didn't have the money at the time, they couldn't give it out. So I think when I was speaking to Jim Gogarty anyway, and I said I was going to go over to London, have a chat with Joe Murphy, and I went over and by God, we had a right time there anyway in the Irish centre.

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CHAIRMAN: Mr. Callanan, we seem to be somewhere away from anything that is relevant. Can we get to relevant matters?

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224 Q. MR. CALLANAN: Yes. When do you say you met Mr. Gogarty?

A. I couldn't tell you what date it was.

225 Q. And you have just referred to the Rathbeale lands, your statement to seems to indicate that that was some time in or shortly after 1961?

A. 1961, is that right? I must be making mistakes somewhere

so.

226 Q. And how, you have described going over to Mr. Murphy in London, initially with the idea of asking him directly to invest or provide monies for the purchase of the Rathbeale lands, I think in fact at that stage?

A. That's right, yes.

227 Q. Had you purchased sites in Killiney as well?

A. No, no, no.

228 Q. And how did you contact Mr. Murphy at that time, or where was he living?

A. Well, he used to drink in our pub, in Quarry House, and he rang me from the Quarry House but unfortunately I wasn't able to meet him. But the next time he came I was there. We had, he often came, fairly often when he was in Dublin because I think his family were in, his son was down in Roscommon.

229 Q. But you went over to meet him in London I think you told us?

A. I went over to meet him in London, that's right.

230 Q. And where was he living in London at that time?

A. I couldn't tell you where he was living. We met in the Irish club anyway.

231 Q. And you were subsequently in touch with Mr. Murphy a good deal, isn't that so?

A. I was, yes.

232 Q. And you have referred to a period where you would pick him up from the airport when he came to Dublin?

A. Yes, I often did.

233 Q. A period where your families went on holidays?

A. That's right.

234 Q. Could you give some indication of what that period would be, bearing in mind that we have dated the falling out to

1978, would you be able to put it --

A. My wife will tell you all right, but sure she is not up here. She would know the dates all right. But I can't, she would have a fair good idea of the dates, but I forget dates.

235 Q. Even very, very generally. Would it have been over a five year period or ten year period that that was the situation?

A. About five year period, more I think.

236 Q. And at that stage you had both a personal or family connection and you had a business association and you would have fairly much, I am putting to you, discussed with him your own business affairs?

A. Probably would have.

237 Q. Lands in Dublin and the like?

A. Yeah.

238 Q. And can I suggest to you that in the course of that, it is unlikely that you wouldn't have referred to Mr. Redmond whom we know was friendly with you?

A. Not at all, I don't know did I know him at all at the time.

239 Q. Well certainly in the 1970s you knew Mr. Redmond?

A. Oh, yes, I did, yes.

240 Q. And at that stage it seems you were still quite close to Mr. Murphy, and I am just saying it would seem to be quite likely in the ordinary course of conversation, that it is something which you would have mentioned to Mr. Murphy?

A. No. No, but Mr. Murphy said "I believe you have a great friend in the Corporation" and I said nothing.

241 Q. When did he say that?

A. I couldn't tell you when he said it, it was just in the course of conversation.

242 Q. And do you know what prompted that remark or was there any lead-in to that remark?

A. I can't remember what the lead into it was. He just hopped the ball at that anyway.

243 Q. And you can't remember where that conversation took place?

A. I don't know to be honest with you.

244 Q. And you understood that to be a reference to Mr. Redmond and said nothing?

A. I said nothing at all, I didn't mention any name whatsoever.

245 Q. Yes. And Mr. Murphy I think you said, gave a cheque for £40,000?

A. That's correct.

246 Q. In relation to the --

A. Yes.

247 Q. Can you specifically remember a cheque or was it possible that that was a cash payment?

A. Oh, it was a cheque.

248 Q. And I think a company was formed then on the 17th of May of 1965?

A. It must be that time.

249 Q. That company was O'Shea & Shanahan Limited, it wasn't --

A. Actually it was O'Shea and Shanahan Builders Limited. I think that was the name.

250 Q. I see. If it was a three-way partnership is there anyway why it wasn't called O'Shea & Shanahan and Murphy Limited?

A. Well, I don't know.

251 Q. There was a name change we know in the case of --

A. I don't know what was the idea. If Joe wanted to put his name into it, it would be put into it and that's that.

But he didn't want his name to be splashed around at all in

the company. He gave me that impression, I might be

wrong. But anyway, if he, if Joe said "I want to make it

O'Shea & Shanahan and Murphy" we would have, we would have

no hesitation in doing it.

252 Q. We do know in the case of George Milners Structural Engineers there was a name change on the 17th of May of 1970 to Joseph Murphy Structural Engineering, but there was no --

A. Say that again will you please?

253 Q. I am just saying in relation to JMSE?

A. Yes.

254 Q. That company had been George Milner Structural Engineers?

A. That's right.

255 Q. That name was changed to refer to Mr. Murphy on the 17th of May of 1970?

A. I remember that quite well, yes.

256 Q. But you didn't, you had the impression that Mr. Murphy didn't want his name in lights in O'Shea and Shanahan?

A. It looks like it anyway, because if he asked us to put his name in the company we would have no hesitation in doing it.

257 Q. And was this, the investment in Rathbeale, the formation of O'Shea & Shanahan, was that the first --

A. Yes --

258 Q. -- was that the first commercial joint venture between yourself and Mr. Murphy?

A. That's right.

259 Q. And apart from, he advanced £40,000 and there was a charge in relation to that sum on the assets of the company, isn't that so?

A. Yes, I suppose so, yes.

260 Q. How was the investment of £40,000 agreed or how was that figure arrived at?

A. I think we, I think he asked us what would we require to start the development and we said we would be happy enough

with £40,000.

261 Q. And that was to finance the purchase of Rathbeale?

A. Yes, for the development of Rathbeale, because we had paid for the, we had paid for --

262 Q. But you hadn't the money to develop?

A. We had no money to develop it.

263 Q. I see. Did Mr. Murphy Snr. advance any other monies to O'Shea & Shanahan afterwards?

A. He probably did. I don't know whether he did or not, now. I forget. Money was no problem anyway to Joe.

264 Q. Well, do you think it is more likely than not that he advanced other monies?

A. Might be. Probably did, yes.

265 Q. You see, you told Mr. Herbert, I think it was, earlier, that even though Mr. Murphy had a one-third shareholding in O'Shea and Shanahan, that he didn't receive dividends, what you said was that what he got out of it was the site fines?

A. Site fines, yeah.

266 Q. And that was the extent of anything he got back out it?

A. As far as I remember, I might be wrong, as far as I remember that was the setup.

267 Q. Well, just in relation to a situation where there were three shareholders, did you, yourself, and Mr. Shanahan, did you get paid dividends or get money in the form of a salary?

A. We just drew a salary, there was no dividend at all.

268 Q. I see. And you are saying all that Mr. Murphy got out of it was the site fines?

A. Site fines. There was a fair good, heavy site fine at the time. At that time.

269 Q. And I should just ask you this, that in answers to Ms. Dillon, you referred to lands being, I think you said on

Day 103 at page 72, "Most of the lands were bought in the name of O'Shea & Shanahan"?

A. Yes, even lands that, most of the stuff was bought in O'Shea & Shanahan's name.

270 Q. But they were bought with monies provided by Mr. Murphy?

A. Correct, yes. Joe's money.

271 Q. And what was the reason for that?

A. I couldn't tell you. I couldn't tell you what was the reason.

272 Q. It meant, I suppose, an obvious consequence was that Mr. Murphy didn't appear as the purchaser of the lands?

A. Yes.

273 Q. And if I could just ask you, I think the schedule of lands was put to you earlier in your evidence and referred to again by Mr. Herbert, it is a letter of Mr. Devine to Mr. Gogarty enclosing a schedule, do you remember? It was very small print and we were some time playing around with the screen before we could magnify it? (Document handed to witness).

A. What's this?

274 Q. You have seen it already, Mr. O'Shea. It is a schedule of lands which Mr. Devine prepared and sent to Mr. Gogarty. I just want you to have that because I am going to refer to it briefly. I think --

A. Scotts Farms - I don't know --

275 Q. Before we get into that, can I just ask you about a few specific things. There is two Poppintree properties?

A. There is, yes.

276 Q. There is Poppintree from Smith as vendor, dated the 28th of June, and there is Poppintree from Maher as vendor, dated the 1st of May of 1966. I think you said in your evidence that Mr. Murphy had, Mr. Murphy had bought Poppintree

before you had an involvement?

A. Yes, he had. He had definitely had it bought before we went into building with him, yes.

277 Q. That was both of those?

A. What?

278 Q. Both of those Poppintree sites as far as you were aware?

You didn't have an involvement in buying either of the Poppintree sites?

A. Only the four acres we bought from Joe, for the workshops, that's all. But previous to that Joe had that land bought.

279 Q. And do you know which of the, you may be able to answer this, in terms of that schedule, which of those lands are Forest Road?

A. Forest Road?

280 Q. I am just not clear how Forest Road is described in the schedule or even if it appears in the schedule?

A. Hold on. It is the back of - it is quite near the Lord Mayor's pub, that's all I know.

281 Q. Well, you may or may not, I know it is not your list, Mr. O'Shea, you may or may not be able to assist?

A. I can't.

282 Q. Very good. In any event, I think you said that in your evidence, that Forest Road was the first purchase you made or that you were involved in?

A. Yeah.

283 Q. Can you recall that, or is that correct?

A. It might be correct. I think it was, yes. Yes, I think that was the first land, that's right.

284 Q. And what was your involvement?

A. Because I remember some person passing the remark that we bought Rathbeale very dear, which was £17,000, and I bought

the land off Jamestown Road there, off Swords, for £12,000, and they told us that was still dearer, by Jaysus it turned out the reverse way though.

285 Q. What was your involvement in the purchase of those, that's - is that all or part of Forest Road?

A. Which?

286 Q. I am just trying to elucidate, Mr. O'Shea, the, your exact involvement in the acquisition of Forest Road, what your role was in the acquisition of those lands?

A. Well, I bought it I told you. I told Joe it was, it was up and coming land, that it would be zoned at some stage or another, and that was no bother to Joe, to buy it.

287 Q. And did you have any involvement apart from that? Mr. Murphy, did he buy it, then tell you to go and buy it on his behalf or did he simply act on your advice?

A. He only gave me the money. We bought it and Joe paid, Joe Murphy paid for it. It was his land and we had nothing to do with it.

288 Q. And?

A. That was his property and that's that.

289 Q. Did the lands at Jamestown Great, there is two sites, there is the top first two items on that schedule, Mr. O'Shea, 93 acres and 6 acres lands at Jamestown Great bought from --

A. I thought you were talking about that before.

290 Q. Sorry, your last answers, I was asking you about Forest Road, I am not sure --

A. Sorry, yes. My mistake, Sir.

291 Q. Well, does your answer that - when you say you advised Mr. Murphy that these were lands which were a good buy, likely to be rezoned, does that refer to Forest Road or --

A. Forest Road.

292 Q. I see. And for all I know, I'm afraid we are talking

about the same lands, I don't think we are. In relation to Jamestown Great, those two parcels of land, 93 and 6 acres, from Carton as vendor bought in June of 1965?

A. Yes, that was the six acres that was zoned, that was Carton's land all right.

293 Q. What relationship, if any, did you have in relation to the acquisition of those lands by Grafton ultimately?

A. No, it was zoned land. We knew it was zoned, I don't think Joe knew it was zoned at all, because I drew his attention to it. So we went building in it immediately, we got plans in and we paid the site fine.

294 Q. And?

A. That's that. About the rest of the land in Jamestown, I knew nothing at all about it.

295 Q. So you knew something about the six acres but not the 93?

A. Yes, that's right.

296 Q. And could you just describe these lands because I am a little unclear as to what they are?

A. What do you mean by that?

297 Q. Are these the lands that, at Finglas?

A. Finglas, in the big Ballymun Scheme, under the shadow of the big Ballymun Scheme - I could tell you a story about when the man that took it, that took the land for grazing, and Jaysus the children in the Ballymun Scheme, he put horses in there, wild horses, by God they tamed the wild horses very quick. They could catch them by the tail, because they kept chasing them and chasing them around the place with a stick. I am telling you, it is only a joke.

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CHAIRMAN: Mr. Callanan, this is very interesting, but where is it going?

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MR. CALLANAN: These are questions that are absolutely essential to the --

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CHAIRMAN: I hope that that will appear in the near future.

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MR. CALLANAN: I think, Sir, it is already quite apparent.

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CHAIRMAN: It isn't apparent to me.

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MR. CALLANAN: I am asking about lands that are part of the remit of the Tribunal. I find it a little unsettling to know that those questions --

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CHAIRMAN: I want to know where it is going, that's all I want to know.

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298 Q. MR. CALLANAN: I hope then, Sir, it will become apparent. I think you referred to lands which Mr. Murphy directed you to buy before auction, do you remember that?

A. What?

299 Q. There were lands which you referred to in your evidence, that Mr. Murphy directed that you purchase before auction from Mr. Morrissey, Mr. Morrissey was the vendor?

A. Yes, that's right. There was a small parcel of land.

300 Q. Well, was that --

A. It was bounding the factories there.

301 Q. Was that part of these lands at Finglas part of the Jamestown lands?

A. No, a different ball game altogether.

302 Q. I see. These lands, the lands at Jamestown, that

comprises Cedars Wood or Cedars Town?

A. I don't know what they comprise of.

303 Q. Do you remember what development was carried out on those lands?

A. I don't know. I had nothing to do with it anyway.

304 Q. And I think you said that you weren't in the buying of the lands at Balgriffin?

A. Balgriffin, no I wasn't, no.

305 Q. The vendor --

A. He bought that farm, I don't know whose name that was put in now, I can't tell.

306 Q. You - so that was land which Mr. Murphy acquired independently of yourself?

A. Independently, yes, although I was with him in the hotel at the same time, but he made a deal with - I don't know the owner.

307 Q. And I think you referred to land on the Donabate side of Turvey House?

A. Yes.

308 Q. I think you said Mr. Murphy went to the auction?

A. He went with me.

309 Q. And did Mr. Murphy view the site with you?

A. I don't know whether he viewed it or not anyway.

310 Q. I see.

A. But he was at the auction with me, and he told me to keep going and he bought it.

311 Q. And I think in relation to the Turvey House property, you looked at the property?

A. I did, yes.

312 Q. But you had no input into the actual acquisition of the property, which Mr. Murphy looked after?

A. I don't know what name that was put in now, I can't tell

you. It could be put in our name and I wouldn't know, because it made no difference to me, we did nothing with it.

313 Q. And you did refer to Mr. Murphy advising you to buy lands before they went to auction, I think that was a reference to Jamestown in the evidence you gave?

A. That's correct, yes.

314 Q. And you also referred to land at Portmarnock, I think you thought, you said both yourself and Mr. Murphy were present at the auction?

A. Portmarnock, yes we were, yes. That's correct. That was the first land at Portmarnock.

315 Q. Were those lands bought at auction?

A. They were yes, they were approved plans all there by Sam Stephenson.

316 Q. I think you said Mr. Murphy himself later both 40 more acres at Portmarnock from Dermot Moore?

A. That's right.

317 Q. And presumably if you were discussing land with Mr. Murphy you wouldn't merely, you would discuss price, you would discuss physical attributes and you would discuss development potential?

A. Yes, that's right.

318 Q. And is it fair to say most of these lands were not zoned but had a prospect of --

A. No, they were zoned. Dermot Moore's land was zoned.

319 Q. Talking about land generally so far as you were aware?

A. We bought Poppintree, the first portion of Poppintree that was zoned. It was planned and all by Sam Stephenson. Just above that, joining it was Dermot Moore's land and Joe bought it from Dermot Moore himself.

320 Q. But taking the lands in their entirety, whether zoned or

rezoned, you were looking at them in terms of development potential?

A. That's right, yes.

321 Q. And we know that the system was that O'Shea and Shanahan would proceed to develop the land and would pay a site fine which was ultimately paid to, it seems Grafton Construction?

A. Yes, that's right.

322 Q. And in relation to the development of the Martello Estate at Portmarnock, over what period of time, roughly in terms of years, were involved in Portmarnock?

A. We were there quite a long time. We built 250 houses there. We were also building in Skerries. We were turning out, we had a lot of labour.

323 Q. And --

A. We were there quite a while, quite a long time. I couldn't tell you how many years we were there.

324 Q. And I think it was Mr. Devine who dealt with and administered the licenses to build, took in the site fines and drafted the leases and so forth?

A. Yes.

325 Q. Who is the architect involved in that?

A. Sam --

326 Q. Mr. Manahan?

A. Manahan, that's right, Jack Manahan.

327 Q. Yes, and the physical --

A. The first lot, there was a portion of it there, we were dealing with Sam Stephenson, and we got tired of that genius and we got Jack Manahan on.

328 Q. And --

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MS. DILLON: Sorry to interrupt, I think the witness is

getting very tired, Sir. Mr. Creegan has a concern for him.

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MR. CALLANAN: Yes, I am sorry.

A. Have we much more to go?

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MR. CALLANAN: I will be some, I will be an hour certainly.

A. Oh Christ.

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CHAIRMAN: All right please. We will adjourn for lunch. We will adjourn for lunch.

A. Thanks.

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MS. DILLON: If you were to say 2 o'clock, Sir.

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CHAIRMAN: 2 o'clock. Adjourn for lunch and return at 2 o'clock. I hope we will have something more pointed.

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MR. HERBERT: Mr. Chairman, may it please you, I have no objection if the witness speaks to anybody, because they may want to talk to him about his illness.

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CHAIRMAN: That's fair enough. Thank you very much.

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THE HEARING THEN ADJOURNED FOR LUNCH.

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THE HEARING RESUMED AFTER LUNCH AS FOLLOWS:

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MR. BARTHOLOMEW O'SHEA RETURNS TO THE WITNESS-BOX AND
CONTINUES TO BE CROSS-EXAMINED BY MR. CALLANAN AS
FOLLOWS:

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CHAIRMAN: Mr. Callanan, when you are ready.

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329 Q. MR. CALLANAN: Mr. O'Shea, just in relation to the evidence

of

Mr. Murphy, in Guernsey, when he was asked how he became

aware of individual tracks of land becoming available,

while he was living in England, he said that he had estate

agents who would keep him informed of lands that were

good. Now, obviously in addition to estate agents, you

were in touch with him from time to time in relation to

lands that you thought might be good?

A. I was, yes.

330 Q. And I think he referred to a Mr. Stephenson of JH North?

A. That's right, yes.

331 Q. And a Mr. Brendan --

A. He was pretty close to North.

332 Q. And Mr. Brendan Loughlin?

A. Brendan Loughlin?

333 Q. If that name means anything to you?

A. Brendan Loughlin? No, I can't think of anybody of that
name.

334 Q. He didn't refer to you, but it is clear that you had a role

in that, in relation to some of the lands?

A. Well, I don't know.
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MR. HERBERT: I think, Mr. Chairman, in fairness to both Mr. Callanan and to the witness, I should advise him that on Day 9 of the Guernsey commission transcript, which is the one I operate from, at page 41, there is a reference to Mr. O'Shea's part in the matter. I won't read it out, but I just point out to you and to Mr. Callanan that the reference is there.

MR. CALLANAN: Yes. What I was referring to was the, his answers to Mr. O'Neill on the first day of the transcript at 92A, page 11. There may well be a reference, there is a reference to Mr. O'Shea there, but it is in the context of the development of the lands.

335 Q. But whatever advice he had, Mr. O'Shea, isn't it fair to say that Mr. Murphy was his own man in deciding on whether or not to buy lands?

A. Is that right? I don't know.

336 Q. Would you not accept that?

A. I bought a lot of land for him anyway.

337 Q. But it would be on his instructions if you did?

A. Well, yes, I advised him.

338 Q. Yes?

A. I would advise him and he would tell me to go ahead with it.

339 Q. He would make up his own mind in relation to it; isn't that so?

A. I couldn't make up his mind for him.

340 Q. And sometimes he got advice from you or bought lands through you, but not always?

A. Not always, oh no, no.

341 Q. And?

A. I told you that from the start in Jamestown Road, he had bought Jamestown Road before I had gone into business with him at all.

342 Q. And he was expending, of course, very substantial sums of money?

A. Oh, he was.

343 Q. On these lands?

A. Oh, he was, no problem at all.

344 Q. Is it fair to say from that that he would be a general familiarity with land and the land market -- he wasn't a specialist of any kind, he didn't have specialist expertise, but he would have had a working familiarity with the market. He was buying land; isn't that so?

A. Oh, he would, yeah.

345 Q. He would have kept himself abreast of anything affecting the lands that he bought; isn't that so?

A. Quite possible.

346 Q. And he would have been conscious of the development potential of the lands?

A. Quite possible, yes.

347 Q. Well, it is something you would have discussed, presumably, in deciding whether or not to buy a particular property?

A. That's right. Oh, he probably could have got other advice from other people as well as me.

348 Q. And he would have some idea about the planning process; isn't that so?

A. He would. Well, he would be well advised on that from Sam Stephenson and a lot of people.

349 Q. And it is something that you would have discussed with him too?

A. Quite right.

350 Q. And we know, from what you told us this morning, that he

had sufficient interest to inquire from you in relation to your good friend in the Corporation; isn't that so?

A. Well, he didn't, he only just says - I told you - I believe he says, "you have a good friend in the Corporation", that is all that was said.

351 Q. And you didn't see fit to answer, to respond to that?

A. I wasn't going to disclose anything like that, he wouldn't disclose very much himself.

352 Q. Yes. And, just on that, you had no friend in the Corporation other than --

A. Uh?

353 Q. You hadn't any friend in the Corporation other than Mr. Redmond?

A. Mr. Redmond. I had Charlie Wade at one time, he was, he used to be a bit of help, it wasn't very much we were buying, but just - sorry, for Poppintree, I think, for the planning permission we got there for to use it as a workshop. I think Charlie advised me a little bit about that, he is dead now, the poor man.

354 Q. What was his position in the Corporation?

A. Oh, he wasn't, he wasn't City Manager or anything like that anyway. But he was - he wasn't the City Manager or anything like that, he was just, he went - I think it would be his job if you looked for planning permission, he would go to the premises and see what it was, that kind of stuff, you know? When he went to Poppintree he saw the place was a lot of concrete mixers and the devil knows what, and he says you would have no bother in getting planning permission for workshops there anyway.

355 Q. Yes. But so far as Mr. Murphy referring to a friend in the Corporation, you would have taken that to be a reference to

Mr. Redmond rather than to Mr. Wade?

A. Oh, yes, yes, Mr. Wade was out of the question.

356 Q. And?

A. I think he had retired, I think.

357 Q. I think in relation to the acquisition of George Milner Structural Engineering, you met Mr. Murphy in London, I think you introduced Mr. Milner to him?

A. I did, yes, that's quite right.

358 Q. And there was no deal in the course of that conversation, Mr. Murphy went off and agreed it subsequently with Mr. Milner?

A. That's right.

359 Q. The acquisition, first of all a small interest and then, subsequently, the entirety of what become JMSE?

A. Yes.

360 Q. Just in relation to the schedule of lands which we have seen, all of these lands were, with a couple of exceptions, acquired before Mr. Gogarty joined JMSE in 1968?

A. Quite possible, yes, I forget now.

361 Q. There are --

A. He joined JMSE after he buying Milners.

362 Q. That is so?

A. That's right. Sometime after he buying Milners, that's right.

363 Q. And I think there is a reference here to some of these properties, the date of purchase is in 1967?

A. '67, is it?

364 Q. But you wouldn't recollect Mr. Gogarty as having had any role in the acquisition of those properties, the ones that were required in '67 - sorry '69, there are a couple, I better rephrase that; there are some references to properties acquired in 1969. What I just wanted to ask

you, that was after Mr. Gogarty had joined the company, what I just wanted to put to you was that you had no recollection of Mr. Gogarty having had any involvement in the acquisition of those lands?

A. What was acquired?

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MR. HERBERT: Excuse me, Sir, again in fairness, and again I don't want to interrupt My Friend, but you will recall, Sir, that annexed to the Duffy Mangan Duffy report of March 1989 there is a detailed history of each of the lands, when they were purchased and for how much, and so far as the evidence goes, it was prepared by Mr. Gogarty, so I think My Friend can put these to the witness, in fairness to all of us.

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CHAIRMAN: Well, isn't the situation this; that Gogarty's detail of the lands indicates when they were purchased. Gogarty only become a servant, or not as much, so much a servant but a member of the JMSE firm, in fact then Milner, in fact, in 1968?

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MR. HERBERT: Yes, sir.

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CHAIRMAN: Anything prior to that he had no input in. It doesn't have to be gone through in detail. This is a wasting of time.

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MR. CALLANAN: If I could just finish with this point.

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365 Q. There is a number of properties here referred to; Saint Helen's from Murphy, Swords from O'Hallaran, Swords from Grant. Abbeycarton from McDonnell. There are 69

purchases. So far as your recollection goes and your knowledge of events, Mr. O'Shea, Mr. Gogarty didn't have an involvement in the acquisition of those lands? I am sorry, Mr. O'Shea, will I reformulate the question?

A. Are you talking to me?

366 Q. I am sorry, I was. There was an argument, a dispute between counsel, Mr. O'Shea?

A. I don't know.

367 Q. Mr. O'Shea, can I just put it to you this way; that there are a small number of properties acquired in 1969; Saint Helen's from Murphy, Swords from O'Hallaran, Abbeycarton from McDonnell, so, far as your knowledge of events go, Mr. Gogarty didn't have an involvement in the acquisition of those lands which occurred after he had joined the company?

A. Repeat them. What was bought, what was purchased, again?

368 Q. Yes?

A. Because I was looking at the other man. I didn't know who I was talking to. I want a good peep at you.

369 Q. Saint Helen's from Murphy, Swords from O'Hallaran, Swords from Grant, Abbeycarton from McDonnell?

A. Yeah, yeah.

370 Q. In relation to the acquisition of those lands, I am just asking you have you any recollection?

A. I have no recollection at all.

371 Q. Thanks.

A. I am puzzled in all the bloody things.

372 Q. And, clearly, both in relation to your position as a Director of the companies, the Murphy companies, and wearing your O'Shea and Shanahan hat, you would have had considerable dealings with Mr. Devine, Mr. Brendan Devine?

A. Oh, yes, I always had, a decent man.

373 Q. And I think you said that you didn't have dealings with Mr. Conroy?

A. No, no. The chasing, he was after me telling me he was living in the Shelbourne. He was he wasn't living in the Shelbourne at all. He was trying to blow himself up. I didn't like that man at all.

374 Q. This was when he was first getting to know Mr. Murphy?

A. That's right, that's right, they were staying at the Shelbourne. I heard afterwards that he wasn't staying in the Shelbourne.

375 Q. But, clearly Mr. Conroy had an active, you would have been aware that he had an active role in the running of the company?

A. Afterwards, yes, he was the boss man afterwards.

376 Q. And?

A. He was the boss man when Gogarty bought Poppintree from us.

377 Q. Yes. And you refer to Mr. Gogarty going back and forth to Mr. Conroy?

A. Oh, that's right, yes.

378 Q. During the negotiations?

A. We would go out to the airport to meet him to get confirmation on this and confirmation on that. Gogarty told me.

379 Q. In relation to Fitzwilliam Place, we know Mr. Murphy purchased 23 Fitzwilliam Place in April 1968; you had some involvement in that?

A. I bought it for him.

380 Q. And I think --

A. He hasn't seen the premises at all.

381 Q. And he lived sometime in 23 Fitzwilliam Place?

A. He did, yes.

382 Q. And he subsequently lived in the converted mews?

A. That's right, yes.

383 Q. I think you carried out fairly extensive works there?

A. Whatever he wanted to be done there we did it.

384 Q. I think it was basically used as a garage and a lot of, and it was converted so as to be a residents?

A. No, it was used always as a residence, as far as I can remember, residence, as far as I can remember. Excuse me. I am just going to go through it. The garage, we altered the door into the garage, it was an opening out door into the footpath which would obstruct everybody. We put a roller shutter there. We got central heating going there and showers and the rest of it.

385 Q. It was a fairly extensive --

A. Oh, it was, yes, a fairly good job, yes.

386 Q. And there was obviously a number of issues that arise in relation to the breakup in 1978, the falling out between Mr. Murphy and yourself. I think what you said in your statement and your evidence was that there was a dispute in relation to the license agreements and the site fines?

A. Site fines, yes.

387 Q. And I think, first of all, you referred to building beyond the extent of the license?

A. That's right, I did. We always did. There was no problem with Joe.

388 Q. And that had gone on in the past?

A. Yes.

389 Q. And I think you referred to there having been correspondence from Mr. Gogarty and a court case about that?

A. That's right, he got some kind of an Order of some description.

390 Q. That's right, that is what you said, some kind of an Order?

A. We stopped, we were advised by our solicitors at the time to stop.

391 Q. And I put it to you that Mr. Gogarty doesn't have a recollection of and doesn't believe he had an involvement with such a court case, but obviously, or with correspondence, but if it exists?

A. Correspondence, Christ there was streams of letters coming from himself.

392 Q. I see.

A. Oh, God bless us.

393 Q. And they should be, then?

A. They were handed in and they were posted and they were everything, that they were trespassing on the land.

394 Q. I see. And so if they exist, they should be with the Murphy company; isn't that so?

A. I don't know where they are, but they were, there was some of them handwritten and there were some of them typed.

395 Q. Where are the records of O'Shea and Shanahan? Do you know what has become of them?

A. Records of O'Shea and Shanahan were done away with long ago.

396 Q. And?

A. I didn't think, I didn't think I would come to this day.

397 Q. So there was an issue in relation to building beyond the license agreement - building, I take it, on extra sites, sites where you hadn't got a license agreement?

A. That's right, because we had permission to go to such a number. But we had houses built beyond that number, do you understand?

398 Q. And --

A. We, as the Garda said, we proceeded on.

399 Q. Yes?

A. Proceeded on until we were stopped.

400 Q. Yes?

A. That is the truth of it.

401 Q. And I think, secondly, there was a dispute in relation to the amount of site fines that were being paid?

A. I think there was, yes, don't get me into figures like that at all.

402 Q. I think you said in your evidence that a view was taken on the Murphy side that the site fines were too long, and I think you actually said that they could quite possibly have subsequently received twice as much from other builders to whom they sold the lands?

A. I didn't know. I didn't know about the twice so much. I don't know anything about that.

403 Q. Well, I think you were again laying that at Mr. Gogarty's door and I just wanted to put to you that this was --

A. I was lying it at Gogarty, what was I laying at Gogarty's door, do you say?

404 Q. The raising of an issue, I think you were generally blaming Mr. Gogarty for your falling out with Mr. Murphy?

A. Oh, yes, yes.

405 Q. I want to suggest to you that the concern in relation to the level of site fines was, in fact, one that was raised by Mr. Conroy, although you mightn't have been aware of that?

A. Oh, quite possible, yes, I wouldn't be at all surprised what he would do.

406 Q. I think, in addition to that, in his own evidence Mr. Murphy referred to a dispute in relation to ground rents. He thought that the scaling down and eventual abolition of ground rents by the Murphy companies was something to do

with the falling out?

A. Oh, Murphy was never interested in ground rents. He always thought it was a wrong thing to fall on ground rents, but I don't know, there was some ground rent plan about 12 pound a house or something like that, and nobody pays ground rents now.

407 Q. But it didn't form part of your falling out?

A. Not at all, not whatsoever. There was never a question of it, in matter of fact. I don't know how you got hold of that.

408 Q. Was there any dispute in relation to the cost of the works to 23 Fitzwilliam Street and the Wilton Lodge?

A. No, whatever not, no.

409 Q. And --

A. As a matter of fact, he said it was a very cheap price.

410 Q. I think you referred to another crowd building on the far side of Portmarnock. I think you thought it was Durcan Brothers, then you corrected that to Sorahan's?

A. Sorahan's, yes.

411 Q. I think you said they were brought in by Mr. Conroy?

A. Oh God, that's right.

412 Q. And --

A. They were probably paying a higher fine all right, as far as I can understand, afterwards.

413 Q. I want to suggest to you that insofar as you are seeking to put the responsibility for your falling out on Mr. Gogarty, that the reality is that you had what both yourself and Mr. Murphy -- there was a, you had a falling out with Mr. Murphy?

A. I hadn't got a falling out, I never fell out with the man.

Up to the present day I wouldn't say a word against him.

414 Q. Well, I think, I think you have indicated that certainly,

you have indicated that when the dispute arose in relation to sites to which you have referred, that you tried and failed to contact

Mr. Murphy?

A. Oh, that's correct, yes. I couldn't, I couldn't find, get any trace of him.

415 Q. I think you said he was away out in the Channel Islands --

A. Or somewhere like that. I don't know where he was.

416 Q. -- at that time?

A. He told me afterwards it was the Channel Islands.

417 Q. He had taken up residence, he told the Tribunal, in 1975 in Guernsey?

A. I said?

418 Q. No, he said?

A. Oh, sorry.

419 Q. Mr. Murphy said it?

A. I didn't say it anyway.

420 Q. I just suggest to you that you were effectively an old school friend of his, you had had a close commercial collaboration and if Mr. Murphy didn't get back to you or if Mr. Murphy was putting himself beyond communication, that was a deliberate act on his part, that was fairly obvious, wasn't it?

A. I couldn't tell you what it was.

421 Q. Well, whatever happened in 1978 or thereabouts would have resulted from a decision by Mr. Murphy; isn't that so?

A. Oh, I suppose it was, I expect it was.

422 Q. And, likewise, the settlement that was entered into in 1978 was a disengagement over a whole range of issues, it wasn't limited to any single issue. You were disentangling the various commercial associations between yourself, your companies and Mr. Murphy and his companies; isn't that so?

A. I suppose you must be right. I don't know what was happening at that time. That is a long time ago. If there was any - it was our legal people that were handling all that stuff for us.

423 Q. And this marked, effectively, a personal rupture as well as a business rupture; isn't that so? You hardly saw Mr. Murphy after that; isn't that so, after 1978?

A. Oh, I did, yes, I met him after we parted. Oh, we met. I wanted to see him. I think I told you before, I don't want to repeat.

424 Q. You wanted to try and buy the nine acres, but that was effectively after 1978?

A. That's right, yes, nine acres. We went down to 14 feet of rock to facilitate the land.

425 Q. And it is fair to say, is it, that your evidence is that that was your only contact with Mr. Murphy after 1978?

A. We met in the Burlington on another occasion, I don't know.

426 Q. I see.

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MR. HERBERT: I was just going to say that, Mr. Chairman. My Friend has, either knows the evidence that has been given or doesn't. What he is suggesting is not correct.

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CHAIRMAN: Well, first of all, this is a simple recitation of the evidence which has been given here. I want to know why? You have so far established absolutely nothing and I want to know why the time is being wasted. You are reciting, you are literally reciting, like the Lord's prayer, the evidence which has been given without making comments and not getting any responses from the witness which in any way alters the evidence.

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MR. CALLANAN: With the greatest of respect, I think the transcript will suggest otherwise.

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CHAIRMAN: It does not suggest otherwise, I am reading the transcript here in front of me.

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MR. CALLANAN: Secondly, I have a duty to my client.

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CHAIRMAN: You may have a duty to your client, you also have a duty to be relevant.

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MR. CALLANAN: Thirdly, I would be able to proceed more rapidly if I wasn't the subject of irrelevant interruptions by My Friend.

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CHAIRMAN: Are you discussing my interruptions or anybody elses? I am perfectly entitled to ask you to be relevant and to get to the point.

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MR. CALLANAN: That last remark was in no way directed to you, it was directed to Mr. Herbert who has made two irrelevant interruptions since lunchtime, having taken a half an hour of the Tribunal's time this morning in relation to this witness's supposed involvement in Forest Road. So it hardly lies in Mr. Herbert's --

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CHAIRMAN: Would you kindly show me what point you are making? I mean, this kind of concealment from the Tribunal of even your purpose is, to say the least of it, irritating. I mean, I want to know what point you are making and at least address it to me. You don't have to --

this witness is a perfectly friendly witness in every sense of the word. He is a frank, open witness. There isn't any problem with him in the world. Now, what are you driving at?

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MR. CALLANAN: Sir, I don't think it is appropriate for me

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CHAIRMAN: Would you be kind enough to make, to get to the point, whatever the point is.

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MR. CALLANAN: I will endeavour to move as quickly as I can sir.

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427 Q. You didn't, following 1978, bear Mr. Gogarty any grudge; isn't that so, because you went back to him and negotiated with him over Poppintree; isn't that so?

A. Yes, that's right. Well, I did to my own benefit, that's right. I would go to anybody, if he was a black man I would even go to him because I wanted to get rid of the four acres.

428 Q. I take it that in relation to the plot of ground, you wanted to buy nine acres at Portmarnock, as you have told us. That took place before, that took place after the falling out in 1978?

A. It was after the falling out, I would say. I said that before. That's right.

429 Q. I should just say to you again that Mr. Gogarty doesn't have any recollection of discussions on that subject and I want to just put it to you again?

A. Come again? He has no recollections?

430 Q. Of any discussions with you on that subject, Mr. O'Shea?

A. Of the nine acres?

431 Q. Yes?

A. For God's sake, didn't he, didn't he -- didn't I meet him and the first thing he asked me was to get out plans to show is there many houses we could put, how many houses we could put into that site. I went to the expense and trouble of getting Jack Manahan to draw out a plan and gave it to Gogarty, so I can't see how he says anything else.

432 Q. And if I could just say --

A. Unless he was being --

433 Q. If that was the case, that these lands were not being sold to you, they were, that was the decision of Mr. Murphy; isn't that so?

A. Well, the lands weren't sold -- it was only an act of Gogarty's putting me to the expense of getting the plans drawn for it, because he had no more, I knew in my heart and soul he had no more notion of selling it, no notion of selling the land to us.

434 Q. And if --

A. He sold it to the Baileys afterwards and they have houses built on it now and there is people with their families there.

435 Q. And if I could turn, Mr. O'Shea, to the issue of the public house on the Martello Estate --

A. Yes.

436 Q. -- to which you have referred and you have dealt with that a couple of times in your evidence?

A. I did, yes.

437 Q. And the issue that has arisen is we know you were in contact with Mr. Murphy?

A. Yes.

438 Q. About the giving of a site for a church?

A. Yes.

439 Q. And the issue is whether you raised, told Mr. Murphy that that suggestion emanated from Mr. Redmond or not; isn't that so?

A. I don't know whether I mentioned Redmond's name at all, to be honest with you. I might have, but I can't remember it.

440 Q. Can I just put it to you this way, Mr. O'Shea, that you were conveying a proposal which emanated from Mr. Redmond; isn't that so, that the church was looking for a site --

A. That's right, that's right.

441 Q. -- in the area?

A. I advised him on that. I told him -- I have said that on several occasions before.

442 Q. It wasn't a proposal that emanated from you or a proposal for which you were seeking to claim the credit in any way?

A. When we went to George I said the parish priest wanted a site for a church. A church would be better there than building a pub.

443 Q. Yes, and you weren't in communication with the priest; isn't that so?

A. Well, I think I met the, Fr. Haugh I think was his name. I think I met the priest at the time, I am sure, because he was a priest in Donnybrook at, he was a priest in Donnybrook in my time and I knew him. He was into our house, as a matter of fact.

444 Q. But this proposal emanated from Mr. Redmond?

A. From Mr. Redmond, yes, yes.

445 Q. And it is a relevant factor, isn't it, that it did come from

Mr. Redmond as the Assistant City and Council Manager?

A. I don't know, I think he was, yes.

446 Q. I am just saying if you were discussing it with Mr. Murphy

at all, isn't it more likely than not that you would have referred to Mr. Redmond as being the proponent of this idea?

A. I didn't mention Mr. Redmond at all now, as far as I can remember. I can't ever remember mentioning Mr. Redmond's name to Joe Murphy. That is sure as I am sitting here. I can't remember it. I might have, but I can't remember it.

447 Q. Yes. I am not asking you whether you remember it or not, I am simply asking you is it not more likely if you were conveying this idea, that you would have told Mr. Murphy that Mr. Redmond was the proponent of the idea, that it was an idea that came from Mr. Redmond?

A. You have me confused altogether. I don't know whether I did or not now. I couldn't --

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CHAIRMAN: Hasn't the witness said, in fact, that the solution which he suggested, I won't say he proposed, was that the problem could be solved by giving the church a site. Isn't that clear from the evidence to date?

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MR. CALLANAN: Yes, he has told the Tribunal that, and hasn't in any way been challenged that he conveyed that information to Mr. Murphy Snr.

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CHAIRMAN: And, in fact, this site, it had to be conveyed by Murphy, it was his site.

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MR. CALLANAN: That is absolutely correct.

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CHAIRMAN: So Mr. Murphy was fully appraised of the purpose, if I may use the phrase in its most innocent sense, on granting the, that it would calm the waters, as

it were, and it was also suggested, as I understand it, certainly as I understand the evidence, that the idea of a pub would be dropped and they would build houses, whether they were houses actually allocated to the site or not, it was going to be passed for housing, isn't that the reality?

MR. CALLANAN: Yes, sir.

CHAIRMAN: And, in fact, it happened. Isn't that what happened? They abandoned the pub idea, and calmed the waters, as I say, and that is what the witness has said. He has said it about an hour ago or two hours ago. It is, this is what is annoying me. We are going back over with no purpose.

MR. CALLANAN: Well, sir, it was a subject that was revisited by Mr. Murphy without - by Mr. Herbert, rather, without objection from you.

CHAIRMAN: And revisited to the exactly same effect. Nobody has changed one word of the evidence that has been given here today. This witness has been totally frank, totally said what he believes, whether it is right or wrong is another matter. He has made no attempt to give a particular slant or otherwise.

MR. CALLANAN: Yes, sir, I am passing from that point, in any event.

448 Q. Now, I should just say to you, Mr. O'Shea, in relation to what you say was the introduction which you effected to, of

Mr. Gogarty to Mr. Redmond, that what Mr. Gogarty told the Tribunal on Day 14 at page 51 was that, so far as his recollection was concerned, such a meeting didn't occur. I am just putting that to you?

A. What meeting didn't occur, you say?

449 Q. Yes?

A. What?

450 Q. That is what Mr. Gogarty's evidence was to the Tribunal?

A. I don't know. I don't know Mr. Gogarty's evidence at all, what he said or what he didn't say.

451 Q. Can we just reduce the area of disagreement in this way, that the purpose of your introduction of Mr. Gogarty to Redmond or of the meeting was not in any way connected with the expiration of the planning permission on Forest Road?

A. Oh no, no, no. None whatsoever.

452 Q. And the issue of the planning permission on Forest Road and the question of services for Forest Road wasn't discussed at that meeting?

A. No, no, not at all. I had nothing to do - I bought Forest Road but that finished me with it, I had no more to do with it. Are you clear on that?

453 Q. I am quite clear.

A. That's all right. Don't bring Forest Road into it at all. Because I bought it and that was that, and I heard no more about it.

454 Q. And I think you said that when you introduced Mr. Gogarty, as you say, to Mr. Redmond, that you referred to Mr. Gogarty as the "chief man" of Murphys?

A. I think something like that, I said something like that, I don't remember the exact words. I suppose I made chief or something out of him all right.

455 Q. Mr. Gogarty, in fact, at this stage had resigned as

Managing Director, he had resigned as Managing Director in 1982?

A. I didn't know when he resigned. I didn't know when he resigned or I wasn't interested when he resigned. I know anyway, I was dealing with him in Forest, for the four acres at Poppintree. That is all I wanted to know about.

456 Q. And could you just tell me, Mr. O'Shea, whether there is any reason why Mr. Gogarty would have wanted to see Mr. Redmond in relation to a boundary problem with the lands at Balgriffin? Why would he want to see --

A. He talked a lot about it, but as far as I can remember he didn't mention it. I couldn't swear that he mentioned it when we met Mr. Redmond. I can't swear now that he, did he mention Balgriffin?

457 Q. So what was discussed with Mr. Redmond?

A. About drains and all the rest of it up in, roads up in Poppintree. Yes. Not in Poppintree but up in Finglas where we had the four acres.

458 Q. And was that all that was discussed at the meeting?

A. As far as I know, that is all that was discussed. I can't remember anymore anyway.

459 Q. Was there discussion of Poppintree at that meeting?

A. Of Poppintree?

460 Q. Yes?

A. Not at all, Poppintree was built at that time, sure. Sure we were retired from building at that time.

461 Q. No, I think we may be at cross-purposes, Mr. O'Shea. I am talking about the occasion on which you have given evidence of introducing Mr. Gogarty to Mr. George Redmond?

A. Yes.

462 Q. And I was asking you what was discussed at that meeting?

A. What was discussed at that meeting?

463 Q. Yes?

A. Well, Redmond was - I said he spoke a lot about drains and roads.

464 Q. Yes?

A. Concerning, concerning the land in Finglas.

465 Q. I see. Just in your statement you say that you imagine that Mr. Gogarty wished also to discuss the position concerning the Poppintree lands?

A. Poppintree? I am kind of mixed up now with names and all that kind of stuff. Poppintree was the land at Finglas, wasn't it?

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MS. DILLON: It might assist if Mr. Callanan would refer to the four acres at Poppintree that O'Shea and Shanahan owned. I think Mr. O'Shea is quite familiar with those.

A. I am getting confused on all the bloody names you are putting there in front of me.

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466 Q. MR. CALLANAN: We are talking about the lands that were subsequently sold, the four acres that were sold by the liquidator in 1989?

A. I am more in with it now, I was getting confused there. You are trying to confuse me anyway.

467 Q. Certainly I am not trying to confuse you, Mr. O'Shea.

A. You are not far from it.

468 Q. In fact, I raised the issue. Was there a discussion at the meeting at which you say you introduced Mr. Gogarty to Mr. Redmond in relation to those four acres at Poppintree?

A. There was, yes, correct.

469 Q. And what was the purpose of that discussion?

A. I don't know. I think, as far as I can remember, there was main roads, I think there was a question of a main road at,

which is built now, going through lands in, not through our four acres but through the rest of the land in Poppintree, which is, there is a road put through it now, you can go and see it yourself, because I went up there and I nearly got lost.

470 Q. I don't think there has been any reference to, before, to that road. You are saying there was a discussion about this road rather than about the halting site?

A. Oh, the halting site, I don't know was the halting site mentioned at all at that time. I am not sure now.

471 Q. Well --

A. Halting site? I might have discussed the halting site with Gogarty, although I was quite aware that the halting site was gone as far as the itinerants going in there, but I might have used - Gogarty at the same time, sure to raise my price a bit, you know, to keep the ball rolling.

472 Q. Perhaps we can pass on to that, Mr. O'Shea?

A. Okay. Thank you.

473 Q. In relation to the, in relation to the four acres at Poppintree, there is a letter that you may have seen from the Principal Officer of the Dublin Corporation to the chief valuer of the 26th of April, 1989. That is in relation to whether the, to whether or not - it is, in fact, after the sale of the land had already taken place. But it is an internal Corporation communication in relation to --

A. After the sale of what lands of the four acres?

474 Q. Of the four acres. It is a discussion as to whether --

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MR. HERBERT: Mr. Chairman, how does My Friend suggest this gentleman giving evidence could possibly have seen an internal memorandum of Dublin Corporation from one official

to the other?

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MR. CALLANAN: Now, sir, Mr. Herbert's leader began a practice, which nobody has ever challenged in the Tribunal, of putting documents to witnesses for their comments. It is a perfectly logical sensible way --

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CHAIRMAN: Just a moment, I received a message that the witness would like a break. I am going to break for ten minutes.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AS FOLLOWS:

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CHAIRMAN: When you are ready, Mr. Callanan.

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475 Q. MR. CALLANAN: Yes, sir. Can I ask you, Mr. O'Shea, in relation to the negotiations which took place between yourself and Dublin Corporation in 1987 in relation to the purchase of the lands at the four acres at Poppintree for a halting site. Do you remember that?

A. Yes, yes, that's right, yes, correct, yes.

476 Q. Can I ask you who started those negotiations? Who approached who? Whose idea was it --

A. I tell you.

477 Q. -- that the Corporation might buy those lands?

A. I tell you the parish priest there rang me and he asked me would I give them, would I give that land free for the itinerants. I couldn't, I told him I couldn't afford it and I says the Shanahan's wouldn't agree to it anyway because they own half of it, and how did we approach --

there was, I can't think of it now, I know I was into the Corporation of it anyway talking to the valuer. He put a price on it. I exactly can't think how it originally started, but I approached the Corporation - or did the Corporation approach me? But I went in to meet the valuer. I must have had some correspondence or something from the Corporation, but I went in to see the valuer, but I can't exactly tell you now, I can't understand it.

478 Q. Had Mr. Redmond any involvement in that?

A. Oh, not at all, no.

479 Q. And were you aware of the fact that a manager's order was actually made authorising the purchase of the Poppintree lands on the 19th of June, 1987?

A. I did not. There wasn't any --

480 Q. Well, the correspondence that we have received suggests that there was a manager's order; you weren't aware of that, in any event, Mr. O'Shea?

A. I wasn't aware of that. I knew from the, I asked councillors about it and they said no way would the rate payer pay £80,000 for the itinerants, they could go into Corporation houses which were, or council houses, which were vacant.

481 Q. Had you made any attempt to sell the lands at Poppintree prior to your talking to the priest and speaking to the chief valuer in 1987?

A. I don't think so, I can't remember now. I can't remember now.

482 Q. You had stopped using the lands in, I think, 1985 was it?

A. That's right. I can't remember approaching anybody. I am not sure whether I approached Tony Morrissey or not now, but that is the man I would approach, but I can't remember it. I can't remember approaching --

483 Q. Why didn't you approach Mr. Gogarty, then, in 1985?

A. Approach Mr. Gogarty?

484 Q. In relation to the sale of the four acres at Poppintree

since you knew the Murphy company, Grafton, owned the adjoining lands?

A. Well, I think, I think I was hoping at that time that the Corporation would buy it, you know, in between, because I was waiting quite a long time to get a reply from them and I got no reply, I got a reply from the councillors.

485 Q. Now, can I just ask you this, Mr. O'Shea, there are four, your name appears four times in Mr. Redmond's diary for 1988?

A. Yeah.

486 Q. Roughly how often over a year would you have seen Mr. Redmond at around that time?

A. Well, I said yesterday it was four times, but I think it was more than four times in the year.

487 Q. You would have been in frequent contact with Mr. Redmond?

A. I would be in frequent contact with him. When there was an open competition on in Elmpark, which he loved to play in, and a lot of the members knew him and we used to have a drink afterwards, and we would have a good crack, but I can't, I would say it was about six times maybe, that wasn't many - at that time there was very few open competitions, semi open competitions there.

488 Q. And you couldn't --

A. You couldn't ask him there otherwise.

489 Q. And --

A. And maybe I might be on to him that there is a semi open on on such a date and I would look at my diary.

490 Q. Have you ever discussed with Mr. Redmond the allegations of Mr. Gogarty or the --

A. No, I did not.

491 Q. -- or the proceedings of the Tribunal?

A. No, I didn't, no.

492 Q. You are aware that Mr. Redmond made a first statement to the Tribunal dated the 11th of January, 1999?

A. I can't remember that.

493 Q. I think that was presumably furnished to your solicitors.

Do you remember reading it?

A. I can't remember reading it, no. I can't remember it, no.

No way.

494 Q. I would just like to read to you just --

A. What was the, read out what you say there. The Corporation, was it? I can't I just get your words, repeat it.

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MS. DILLON: I think, perhaps, I don't like to interrupt My Friend, but I think the witness is confused about the statement and wouldn't be familiar with the statement of Mr. George Redmond that was furnished to the Tribunal. I think perhaps if

Mr. Callanan leads the witness or explains, you know, the background of the statement to Mr. George Redmond and puts it into a present day context. I think this witness seems to think he is talking about a document to do with the acquisition of the lands in Poppintree.

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MR. CALLANAN: Yes, I am, sorry. I will come at it from that direction. I can hand into the witness the statement and the relevant page of the statement.

(Document handed to witness.)

Mr. O'Shea, this is the statement, the first of two statements which Mr. Redmond provided to the Tribunal, Mr.

O'Shea?

A. I don't know what --

495 Q. He was --

A. Go ahead.

496 Q. And one of the things he deals with in that first statement is the circumstances in which he says he first recollects meeting

Mr. Gogarty, and there are just two paragraphs; the first of them is highlighted in yellow pen there. That is the beginning. I think if you look at the part which is highlighted?

A. Yes, yes.

497 Q. It begins, I just want to read those two paragraphs to you "my recollection --

A. In 1987.

498 Q. "My recollection --

A. That you had retired from business?

499 Q. This is Mr. Redmond's statement?

A. Yes, that's right, yes, I see that there, yes.

500 Q. "My recollection is that I first met Mr. Gogarty in 1987.

Mr. Bat O'Shea had retired from business following the death of his partner. The late Tom Shanahan informed me he was currently negotiating the sale of a property, a building on a small area of land at Poppintree near Murphys'. Mr. Gogarty was negotiating with him on behalf of Murphys. Mr. Gogarty had expressed to him a wish to meet me with a view to clarifying the position of the Murphy land vis-a-vis County Council road requirements etc.. I agreed to meet Mr. Gogarty and Mr. O'Shea came with him to my office..."

A. That's right.

501 Q. "... Mr. Gogarty thanked me for seeing him". Then he goes

on to discuss, to refer to a general discussion about Murphy lands. I just want to ask you; did you see that statement?

A. No, I never saw it before.

502 Q. Before you made your statement?

A. I never saw that statement to this minute, I never saw it.

503 Q. Did you have any, did you have any conversation with Mr. Redmond about what he had said?

A. I never had any conversation with Redmond when he, since he started with going into court I never had, met him or saw him afterwards.

504 Q. Since he gave evidence to the Tribunal or --

A. Yes - no, I never met him afterwards. I kept away from him.

505 Q. And you didn't discuss it between the --

A. No way.

506 Q. I see. And just the final issue I wanted to rise with you, Mr. O'Shea, is this; did you know Mr. Michael Bailey as an agent for Spanlite?

A. No, I met Mr. Bailey, what is that - we had a meeting, Frank Reynolds.

507 Q. You have referred to, that's right, you have told the Tribunal that you were introduced by Mr. Reynolds to Mr. Bailey?

A. That's right, that's right.

508 Q. At the arbitration in 1992?

A. That's right, yes, I told, I told the Tribunal whatever it was, I don't know, they were two decent men, that is what I said.

509 Q. Yes, I am just suggesting to you, Mr. O'Shea, that you had, in fact, met Mr. Bailey previously?

A. No, not before that meeting. I knew of them very well.

But I didn't meet them. I definitely didn't meet them.

510 Q. You are saying that you didn't know Mr. Michael Bailey as an agent for Spanlite?

A. No way, I did not. What is Spanlite? What is Spanlite?

511 Q. It is some form of builders' providers business, Mr. O'Shea?

A. No, I never heard a word about it.

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MR. CALLANAN: Thank you, Mr. O'Shea.

A. Okay.

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THE WITNESS WAS RE-EXAMINED BY MS. DILLON AS FOLLOWS:

512 Q. I just have a few short questions, sir. Good afternoon, Mr. O'Shea. You are very nearly finished. You are very nearly finished.

A. Good afternoon, Ms. Dillon. You are great all together. You are as good as two men.

513 Q. That is about the nicest thing anyone has said to me since this Tribunal started, Mr. O'Shea.

A. I didn't say they were dead ones now.

514 Q. No, no. And it makes a pleasant change. Can I ask you, Mr. O'Shea, I want you to -- we will just take it fairly easy. Do you remember buying the Gaiety Theatre?

A. I do, yes.

515 Q. I think that Mr. Murphy assembled a fairly big site around the Gaiety Theatre?

A. He did, yes. He did, yes.

516 Q. And I think that was formally called the Sunbeam Walsley site?

A. That's right, I know the site well because, as I said before, Joe asked me to put special locks on the doors and I might as well, sure they broke them and they riddled the

place asunder.

517 Q. I took it that The Toby Jug was part of that site as well as the pub?

A. Oh, it was, it was the end of it.

518 Q. Isn't that the pub that was beyond the Gaiety Theatre?

A. That's right, that's right, just on the corner. Beyond the land, the perimeter, beyond Sunbeam and Walsley.

519 Q. Yes, and was that a big site?

A. Toby Jug? It wasn't a very big site.

520 Q. No, no, the Sunbeam Walsley site, was that a big site?

A. Oh, yes.

521 Q. Can I ask you is that the site - do you know it at all, down at -- have you been down South King Street?

A. Is it ESB?

522 Q. Is it Telecom Eireann, is that the site we are talking about?

A. That's right, yes, I know that site fairly well.

523 Q. And it stretched back, went back fairly deep, as well?

A. Yes, it went back to the other street, to the back of it.

524 Q. Yes, and this was a commercial property?

A. Oh, commercial property.

525 Q. Commercial property. Can I ask you in the last year or so, just in the last two years, did Mr. George Redmond go and see you in your house?

A. Oh, I think, I think he did now.

526 Q. All right.

A. Because I think there was a relation of his up in the road, lived up the road.

527 Q. Yes.

A. And he called into me. Did I remember? Wait now.

528 Q. We will just take it nice and easy, Mr. O'Shea, and we will

--

A. Yes, I will take it --

529 Q. We won't get confused about it at all. In 199 -- this is now 1999?

A. '99.

530 Q. And there were rumours in the newspapers and I think there has been evidence of that, around 1997, around two years ago?

A. Yeah.

531 Q. And did Mr. George Redmond come and see you?

A. He did, yes.

532 Q. And what did he want to talk to you about?

A. He just asked me did I remember, I remember introducing, taking Gogarty to see him.

533 Q. Yes.

A. And I told him I wanted to stand clear of this, I told him I forget all that, to be honest with you, that is the words I gave him, so he didn't stay very long because I knew he was in for a bit of a gruelling when he was going to a Tribunal and I didn't want to be called to the Tribunal. I never thought I would be here today.

534 Q. Yes. A very natural reaction, Mr. O'Shea, don't worry about it. Mr. Redmond came to see you?

A. He did, yes.

535 Q. And he was reminding you, was he --

A. Yes, yes.

536 Q. -- of the fact?

A. That's right.

537 Q. That you had brought in Mr. Gogarty?

A. That's right, yes.

538 Q. And you gave him fairly short shift?

A. I did, I told him I forgot it.

539 Q. Because you wanted to stay clear of?

A. I wanted to stay clear of all those intelligent men around here.

540 Q. Yes. And was that the matter that Mr. Redmond wanted to discuss with you, the only matter?

A. Oh, that's all.

541 Q. That's all, to remind you?

A. It was a very short time. I don't know even if he sat down.

542 Q. But it was to remind you of the fact that you had brought in Mr. Gogarty?

A. That's right, yes.

543 Q. And did you remember on that occasion when Mr. Redmond made that suggestion to you that you had, in fact, brought in Mr. Gogarty?

A. Did I remember?

544 Q. Yes?

A. Did I remember what?

545 Q. Yes, what was your reaction to Mr. Redmond when he said to you "Bat, do you remember bringing in Jim Gogarty to me"?

A. Oh, I kind of more or less denied it. I forget all that I said.

546 Q. Yes, but I know that is what you said to Mr. Redmond?

A. Yeah.

547 Q. And you wanted him out the door and you wanted away from this Tribunal, is that right?

A. Yes, to get shut of him.

548 Q. In your head?

A. I didn't play any more golf with him, I can tell you that now.

549 Q. In your own head, Mr. O'Shea, when Mr. Redmond made that suggestion to you, did you say to yourself "that's right, I

remember that"?

A. I did not say that. I said, I forget that, I says "I can't remember that". I am too old to be thinking of those capers that were going on at that time.

550 Q. That is grand. Thank you very much, Mr. O'Shea.

A. Thank you very much, you are a very kind lady.

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CHAIRMAN: Does anybody else want to ask any questions?

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MR. HARRIS: Mr. Chairman, just arising from that, I am not sure whether that is left hanging, whether Mr. Bat O'Shea is now sure that it was, in fact, himself. Perhaps

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CHAIRMAN: I beg your pardon?

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MR. HARRIS: I am not sure now whether that is left hanging as to whether Mr. O'Shea is sure now that it was, in fact, himself that introduced Mr. Gogarty to Mr. Redmond and it --

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CHAIRMAN: I will try and tease that out. We are not going to tease it out anyway?

A. You have heard that several times, that I took Gogarty in to Mr. Redmond.

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MR. HARRIS: It is just that Ms. Dillon said when Mr. Redmond came and suggested to you, that was afterwards.

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CHAIRMAN: We are not going into the matter any further.

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MS. DILLON: It would be inappropriate to allow Mr. Harris any question. That is not the procedure.

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CHAIRMAN: First of all, may I thank you very much for coming down.

A. Thank you, Mr. Chairman.

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CHAIRMAN: I hope it hasn't been an unnecessary harsh occasion?

A. Thanks to be a little God. I thank all the people, they were all fairly fair to me.

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CHAIRMAN: That is fair?

A. I tell you, my medical doctor now advised me not to come at all, you know, that I wouldn't be able to make it with the diabetes, but I said, "I have nothing, I have nothing to say out of the way", I said, I have nothing to say only the truth. And that is why I was able to answer everything fairly.

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CHAIRMAN: Hasn't it been a great achievement to survive the whole lot?

A. I won't be the better of it.

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CHAIRMAN: Oh, you will. No doubt you can cure it on the way home?

A. I will have a good jar tonight.

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CHAIRMAN: Thank you very much. I do appreciate your courtesy and your kindness and your forthrightness.

A. Thank you.

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CHAIRMAN: Thank you very much

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MR. CREEGAN: Chairman, if I may also on behalf of Mr. O'Shea, if I could also thank the Tribunal for their courtesy to Mr. O'Shea, and just in relation to one aspect, if we could just clarify; Mr. Callanan, I think, asked whether Mr. O'Shea had seen Mr. George Redmond's statement and we had, in fact, gone through it with Mr. O'Shea before. That is just for the record, in case there was any confusion on that.

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CHAIRMAN: Right. All I can wish you is a Happy Christmas. Bye now.

A. Thank you, Mr. Chairman.

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CHAIRMAN: We are adjourned now until Monday week, the 22nd of November, at 10:30.
THE HEARING THEN ADJOURNED UNTIL THE 22ND OF NOVEMBER,
1999.