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5892.

PLIC/1/5321

Alderman Michael Flanagan.

REPORTED ON BY COMMITTEE.

18 JAN. 1917

Insurance Rest Reto. 1820²17.

14th May, /7.

re Claim No. 5892.


Dear Sir,

In reply to your letter of the 12th instant I beg to state that the sum of £827. 15. 0 awarded included £10. 15. 0 for the 43 skips referred to.

Yours faithfully,

Al erman Michael Flanagan,
Portmahon House,
South Circular Road,
Dublin.

20



TELEPHONE N° 1046.

Telegraphic Address,
"CAULFIELDOWER, DUBLIN."

MICHAEL FLANAGAN.

Portmahon House. 5892
South Circular Road.

Dublin 12. 5. 1917.

J. Healy Esq.

Secy.

Property Losses Com.

51 St. Stephen's Green.

Dear Sir,

with reference to
Compensation Claim for
Looting and Damage during
the Rebellion would you be
so kind as to inform me
whether the sum of £827.15.0
awarded includes the item
in Claim of 43 Ships (£10.15.0)

belonging to Glasgow merchants
who are charging them
against me.

Yours faithfully,
M. Flanagan

4th April, /7.

re claim of Alderman Flanagan - No. 5892.

Dear Sirs,

Your letter of the 27th ultimo addressed to the Chief Secretary has been forwarded to the Committee for consideration. In reply I am directed by the Committee to say that before making their award they had before them all the circumstances of the case, which was very fully and thoroughly investigated by their Assessors. Having regard, however, to the terms of reference, which state that no consequential damages of any kind are to be taken into account, the Committee had no option but to exclude the consequential loss item in this and every other case coming before them.

As regards compensation for cabbages looted the sum originally inserted in claim was £800, but this was understood to have been a clerical error, and the revised figure of £1089, as representing the gross yield, was taken into account in dealing with the claim. The Committee consider that the sum allowed under this head represents the fair valuation of the loss sustained and they are unable, therefore, to re-open the matter.

Messrs. Crowley & Bolger,
52 Lower Sackville St.,

Dublin.

I am to add that the £227. 15. 0 included

compensation for damage to furniture in Portmahon House.

The outstanding portion of the Committee's recommenda-

tion relates to damage to buildings in the case of

Portmahon and Herberton houses.

Yours faithfully,

Jna
Secretary.

Leamy

S.W.1.

30th March, 1917.

Gentlemen,

I am desired by the Chief Secretary to acknowledge the receipt of your letter of the 27th instant, and enclosures, relative to the claim of Alderman Flanagan for losses sustained by him during the disturbances in Dublin last year, and to say that your letter has been forwarded to the Property Losses (Ireland) Committee for their consideration.

Yours faithfully,

(Sd.) A.P.M.

Tom Healy
A.P.M. apil.
30/3/17

Messrs. Crowley & Bolger,
52, Lower Sackville Street,
DUBLIN.

CROWLEY & BOLGER,
SOLICITORS.
COMMISSIONERS FOR AFFIDAVITS.

TELEGRAPHIC ADDRESS.
"CROWLEY, DUBLIN."
TELEPHONE No 346

52, LOWER SACKVILLE STREET,

DUBLIN.

Tue 27th March 1917

re Property Losses (Ireland)
re claim of Alderman Flanagan
5892.

Sir-

We beg to state that as representing Alderman Flanagan in the presenting of above to the Committee there are facts in reference thereto which we think it necessary to bring before you for consideration.

Our clients claim consisted of the following:-

1. For looting of 8 acres of cabbage estimated 40,000 heads at 6d. £1000:0:0:
2. Cauliflowers seized by Volunteers and skips 49:9:0:
3. About 20 acres of cauliflowers ready for market and on order for Glasgow which perished owing to action of military authorities in stopping transit. £1000:0:0:
4. Damage to Portmahon House and furniture and wearing apparel and damage to Herberton premises 238:6:0:

The Alderman has been remitted a sum of £827:15:0: in respect of Nos 1 and 2. No 3 has not been dealt with save to be disallowed on grounds stated in letter of the Secretary of the Commission, to us dated the 21st inst, a copy of which we send you, and item 4 would appear to be under consideration.

We send you copy of our letter of the 19th inst to the Secretary of the Commission dealing with the Claim generally

It is unnecessary for us to repeat anything as to our client's standing in the Commercial and public life of the city, and county

Continuation of Letter to The Rt. Hon. Henry E. No. 2 Date 27th Mar. 1917.
Duke P.C. M.P.

of Dublin. We may say that he is probably one of the most extensive growers of market produce in the United Kingdom and as a matter of fact the cauliflowers in question were actually sold to a Glasgow merchant at a price beyond what is claimed.

As to item one, although only 6d per doz is claimed for the cabbage the value of same at the time was from 9d to 10d per doz and this our client was prepared to prove by production of oral evidence of, amongst other, some leading producers and shippers and by an inspection of their and his own books, and under the circumstances we respectfully submit that the claim should be reopened as regards the first three items.

As to the cauliflowers, as we have pointed out to the Secretary of the Commission, it was owing to the action of the alderman and his men that they were not looted and it ~~is~~ now appears that he is to be penalized for this, and that his most advantageous course would have been to stand by and allow the looters, unchecked reign, when his claim would be, as a matter of course, sustainable, but we can scarcely believe that such a principle will receive official sanction at our clients expense.

Item 4 appears to be still under consideration,

We feel that the circumstances justify our bringing the details before you and respectfully request that you will favourably entertain what we have stated as to the first three items of our client's ^{= claim =} with a view to having the award in respect of same

CROWLEY & BOLGER.

Continuation of Letter to Rt Hon Henry E. Duke P.C. M.P. No. 3 Date 27th Mar 1917.

equitably adjusted,

We are,

Sir,

Your obedient servants,

Crowley & Bolger

The Right Hon. Henry E Duke,
P.C. M.P.
Chief Secretary for Ireland.
Dublin Castle
DUBLIN

COPY

51 Stephens Green E.
Dublin. 21st Maech 1917.

re claim of Alderman Flanagan No 5892.

Dear Sirs-

In reply to your letter of the 19th instant I am directed by the Property Losses Committee to say that in addition to the £827:15:0: referred to, their recommendation included a sum also in respect of the damage to Portmahon House and Herberton House. Your client will it is assumed hear shortly from the Chief Secretary's Department regarding this portion of the Committee's recommendation.

As regards the questions raised as to the adequacy of the compensation awarded, I am requested to point out that the claim as put forward included the sum of £1407 for cauliflowers lost or injured by stoppage of shipment, This is clearly a consequential loss and the Committee regret that in view of the terms of reference they were unable to deal with any portion of this item.

Yours faithfully,

J.J.Healy Secy.

Messrs Crowley & Bolger.
52 Lr Sackville Street
DUBLIN.

52 Lr Sackville Street,
Dublin.

COPY

Mon 19th March 1917

Dear Sir-

re Claim of Alderman Flanagan

Our client Alderman Flanagan desires us to acknowledge receipt of draft for £827:15:0: in respect of "agricultural produce etc" and to point out that the portion of his claim for damage to Portmahon House and furniture and personal property therein and to Herberton has not been so far dealt with.

As to Award in respect of agricultural produce the Alderman is of opinion that same does not deal fully with that section of the claim, as, if so, the amount awarded is altogether inadequate to meet the loss sustained by our client.

At the period of the disturbances the Alderman and his men did everything possible to protect and preserve as far as they could his property and succeeded in preventing the lotting of the cauliflowers claimed for which were ready for and had been raised for market in Scotland, and as he had ample means of conveyance and as there was very brisk demand he endeavoured to have the stuff prepared and sent for sale but was prevented by the military authorities from doing so, with the result that same being perishable, they became practically worthless.

We presume it is needless for us to point out our client's standing in the commercial and civil life of the city and county of Dublin, and the extent to which he has facilitated the military Authorities who had use of his telephone and were entertained by him and that unless he felt that he would be submitting to a gross injustice he would not question the award, but in the face of the facts he re-

2.

spectfully urges the Commissioners to reconsider the claim as he simply requires to be treated with justice and equity.

Our client thinks it well that the Commissioners should know that his claim for the cabbage was considerably under the market value thereof and a like remark applies to the cauliflowers and that he offered to submit to the Assessor ample evidence of the loss he sustained and of the fact that his claim was underestimated. He claimed for 40,000 heads of cabbage at 6d per doz, whereas the actual value of same here at the time varied from 9d to 10 per doz.

We trust the Commissioners will be pleased to take the foregoing facts into consideration and to direct that the Alderman's claim be revised and that an Award be made commensurate with the loss he has sustained.

Yours faithfully

Crowley & Bolger.

J.J.Healy Esq.,
Secy Property Lossess (Ireland) Committee 1916.
51 Stephens Green East
DUBLIN.

21st March, /7.

re claim of Alderman Flanagan No. 5892.

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Yours faithfully,

Secretary.

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52 Lower Sackville Street,
Dublin.

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At the period of the disturbances the Alderman and his men did everything possible to protect and preserve as far as they could his property and succeeded in preventing the looting of the cauliflowers claimed for which were ready for and had been raised for market in Scotland, and as he had ample means of conveyance and as there was very brisk demand he endeavoured to have the stuff prepared and sent for sale but was prevented by the military authorities from doing so, with the result that same being perishable, they became practically worthless.

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Continuation of Letter to J.J.Healy Esq. No. 2 Date 19th March 1917.

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Yours faithfully,

Crowley & Bolger

J.J.Healy Esq.,
Secy Property Losses (Ireland) Committee 1916.
51 Stephens Green East
DUBLIN.

Handwritten notes at the bottom of the page, including the date '1917' and various calculations and references to 'Cauliflowers' and '£1400'.

Assessors Report.

340.

Claim No. 5892. Name of Claimant Michael Flanagan, Vegetable Grower.

Situation of Property Portmahon House & lands in Kilmainham, Co Dublin.

Description	Claim	Insurance (if any)	Commissioners Valuation of Buildings	Assessors Valuation of full Damage	Loss Payable on basis of Insurance	Excess of Loss over and above amount payable under the Policies
6 acres Statute measure under cabbage at Kilmainham looted by the Populace during the Rebellion.	£1089.0.0	Nil.	looting.	720 ✓	Nil.	720
Cauliflowers on route to Steamer for Glasgow but diverted by the Rebels & lost. 43 skips containing 8 doz each;-						
344 doz @ 2/3 per doz.	38.14.0			38.14.0 ✓	-	38.14.0
43 skips containing same.	10.15.0	Nil.		10.15.0 ✓	-	10.15.0
20 acres Cauliflowers lost or injured by stoppage of shipment thus delivery being prevented.	1407.0.0	-	loss by shipping being held up	1000.0.0	-	1000.0.0
Damage to Portmahon House.	140.0.0	900	shooting.	140.0.0	140.0.0	-
household furniture therein.	58.6.0	400	-	58.6.0	58.6.0	-
Damage to Herberton House.	40.0.0	400	-	40.0.0	40.0.0	-
TOTALS, £	2781.15.0	1700	-	2007.15.0	238.6.0	1769.9.0

1007.15.0
827.15.0

180
2601.15.0

1007-15-P
WLO

Interests in the buildings See special Report attached.

£ 1000 Cauliflowers
is clearly consequential P

W. Dunlop
12th December, 1916.

Award of Committee: Contents 1007.15.0
do. Buildings WLO

RECORDED ON BY COMMITTEE

18 JAN 1917

W^M MONTGOMERY & SON,
INSURANCE ASSESSORS,
VALUERS AND SURVEYORS, &C.

Telegraphic Addresses: "ASSESSORS," DUBLIN.
"ASSESSORS," BELFAST.

Dublin Telephone: N^o 734.
Belfast " N^o 409.

1, Foster Place,

Dublin, 12th Decr 1916
(AND AT BELFAST.)

191

J. J. Healy Esq, Secretary,
Property Losses (Ireland) Committee, Dublin.

Dear Sir, re Claim Alderman Flanagan, 5892.

The circumstances connected with the claimant's loss are peculiar and require a special report.

Portmahon House is situate on its own grounds formed in the angle of the Canal and the roadway at Rialto Bridge. Alderman Flanagan and his family had all left on Easter Monday morning with the exception of a young nephew and a servant maid. Severe shooting occurred all around the house between the soldiers and the rebels.

The Claimant reached his house at night with difficulty and the soldiers were supplied with food. The next day the Military took possession of the house and they seemed to be under the impression that there were Sinn Feiners concealed in it. They sent bullets through the walls and into the wainscoting of the house and up through the ceiling underneath the roof, the result being that damage was done both inside and outside the house. The cut-stone finish on the walls was pitted with bullets and some fine old furniture was almost ruined while the clothes in the wardrobes were riddled with bullets.

We have examined the accounts paid by Alderman Flanagan since for repairs, which are only partly executed, With regard to Portmahon House and the furniture therein and to Herberton House, we find that the amount of damage claimed is not in excess of the loss sustained and the claim is a reasonable one with regard thereto. The same remark applies to the cauliflowers which were sent in carts to the Quays for shipment to Glasgow. These cauliflowers were diverted by the rebels and it is a well-known fact that they were

dumped down at the Post Office and there lost.

8 ACRES OF
CABBAGES.

The whole of these eight acres were planted about October and were for the Spring trade, the large bulk of them being intended for the Glasgow markets. Towards the end of the week when food began to get scarce, the fields were raided and not a leaf was left of the whole crop.

These cabbages were very methodically planted and it is known what an acre yields. The claim originally put the value at £800, which we understand was a clerical error as details of the planting in the books brings the figure up to £1089 or £135 gross yield per acre. This is Alderman Flanagan's principal crop for pulling in April, May and June and he points out that most of the profits of vegetable growing are derived from the Spring crop.

As far as the question of loss to Alderman Flanagan is concerned, we cannot put it below £90 an acre from figures shewn to us and if payment is to be made, this amount is below what the lands would have yielded in gross value but it would represent a moderate and fair amount in the circumstances.

CAULIFLOWERS.

The loss of the cauliflowers was the result of all shipping being tied up and the impossibility of shipment to Glasgow. The cauliflower crop is entirely dependent on careful watching and we understand from reliable information that one day too long kept in the earth is sufficient to ruin cauliflowers.

Alderman Flanagan says that he does not think there was £50 worth looted but the whole crop in the ensuing fortnight went to seed and became useless. This would represent what would be considered an indirect or consequential loss and we do not know how the Committee will be disposed to deal with the matter.

We find that originally there were 27 acres planted but about 7 acres had been pulled and from the books it would appear that these seven acres produced £675. This of

course included labour and cartage to the Quays, at which point Claimant's interest in the vegetables ceases.

The gross loss is estimated by claimant at £1407 for 20 acres statute. This was estimated originally at £1000 and as far as actual loss is concerned, there is ~~no~~ proof to shew that the claimant was £1000 a loser on these cauliflowers.

With regard to the basis of payment for loss of agricultural produce, the amount payable in the case of ordinary insurance is based on the price obtainable and not mere cost price of the crop and in principle the same basis would follow in the case of vegetables. In the nature of things these crops could not be insured in the ordinary way and there is consequently no basis of insurance to go upon. We have simply based our report on what we believe to be the actual loss that claimant sustained and your Committee will know how to deal finally with the matter.

It is not easy to find the cost per acre as there is a perpetual expense going on of a large staff of 80 men and 40 horses connected with Claimant's farm as well as his vegetable fields. We may say that that the gross results from vegetable growing this year promised to be unusually large. This is apparent from the prices paid by the ordinary householder for such commodities.

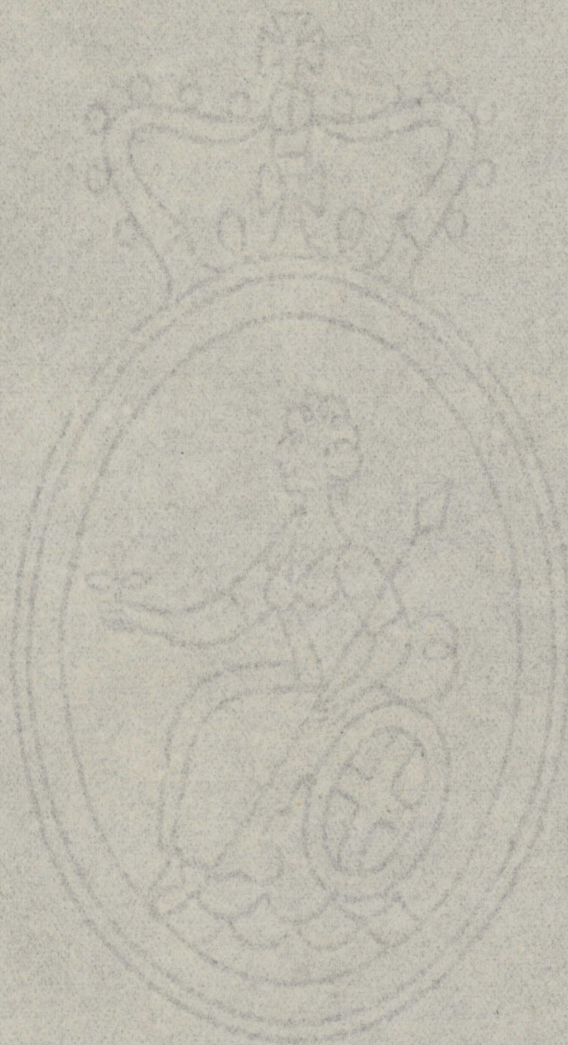
Alderman Flanagan desires us to point out that the mere cost of production would not at all indemnify him against the loss which he suffered. He informed us that the people actually commenced to loot the cauliflowers although they were further removed from the city than were the cabbage fields. He asked the people to desist and that he would cart the vegetables to the yard and let them take them there. This had some effect in stopping the looting of the cauliflowers. He endeavoured with 20 men to stay the looting of the cabbages but without avail

and the fields were cleared in about two days.

As far as the claim is concerned, it is fairly enough made out from Claimant's point of view and our decreased estimate is principally based on the possibility of loss of markets or many things which might arise to contribute to a decreased gross result of the planting before the season was out. Claimant looks upon the loss of the cauliflowers as directly caused by the Rebellion. He generally has from 80 to 100 statute acres under vegetables.

Yours faithfully,

W. Insigomery



W. Insigomery

Property Losses (Ireland) Committee, 1916.

5892

51 ST. STEPHEN'S GREEN, EAST, DUBLIN.

Claim for Damages caused during the Disturbances on the 24th April, 1916, and following days.

I We Alderman Michael Flanagan now residing at Portmahon House in the City of Dublin County of Dublin

do hereby solemnly and sincerely declare that on or about the 24th & 30th days of April and 4th May

1916, damage was done to the undermentioned Property, namely: - *Crops consisting of cabbages at South Circular Road Delmainham and consisting of cauliflowers on lands of mine near the City of Dublin & like goods in transit thro' city and to premises Portmahon House and effect therein and injury to Herberton House

* State situation of property damaged.

and such damage was occasioned to the best of my belief by ** looting and

** Here state cause of damage.

by shooting by military and the transit of goods being stopped by them

And We further declare that the Property and Articles specified on the other side were so destroyed or damaged; that the Cost Price of same was as shown in each case; that at the time of the destruction or damage they were respectively of the Values specified under the head "Value of Property at time of Destruction or Damage"; and that, in consequence of such destruction or damage, claim is hereby made for the sums specified under the head "Amount Claimed"; that the Claim is made by me

as Owner; and that no person is interested in the said property except myself

† Insert "Owner," "Lessee," or "Mortgagee," as the case may be.

and that it is not insured by me or any other person, § except as follows, namely: -

‡ Insert "myself" or "ourselves," and the names of Mortgagees, Lessors, Lessees, or joint owners (if any).

Liverpool & London & Globe Company, Policy No. 10137484, Amount £10,625 (see note) (note) £900 of this sum is on Portmahon House £400 do is on furniture therein £400 do is on Herberton House

§ Strike out the words following if the property is not insured.

And We make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Made and subscribed the eleventh day of

August 1916, at 23 Upper Sackville Street in the said City, County,

before me, a Justice of the Peace for the said City of Dublin County.

Signature of Claimant Michael Flanagan

John J. Ryan JP. for City of Dublin

NOTE—This Claim is to be furnished in duplicate, and should be accompanied by the Policies of Fire Insurance and the last receipt, in each case, or certified copies of same. When completed it is to be forwarded to the Secretary of the Committee, 51 St. Stephen's Green, East, Dublin.

PARTICULARS OF THE CLAIM.

(TO BE GIVEN IN DETAIL.)

DESCRIPTION OF PROPERTY DESTROYED OR DAMAGED.	Cost Price.			Value of Property at time of Destruction or Damage.			Value of Salvage.			Amount Claimed.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
8 acres Statute measure of lands of Helmainham south Circular Road under cabbage containing by estimation 40,000 doz heads @ 6 per doz looted	800	00	00	800	00	00	—	—	—	800	00	00
Cauliflowers ordered by Glasgow merchants on the way to boat seized by volunteers at Bute Bridge and taken to Post Office viz:—												
43 skips 8 doz ea. 344 doz @ 2/3	38	14	0	38	14	0	—	—	—	38	14	0
43 skips 15/6	10	15	0	10	15	0	—	—	—	10	15	0
About 20 acres Cauliflowers grown specially for the Glasgow market lost or injured owing to the action of the Military Authorities in stopping the shipping of same and preventing delivery to Dublin markets— they being very perish- -able												1600 0 0
Carried forward,	849	90	0	849	90	0				1849	90	0

THE LI

& GLOBE INSURANCE COMPANY LIMITED.

ENCLOSURE

to

*Actd
S/S/16*

Particular

Imp. Co. B. Co.

H.S.H. from *26/8/12* to *Midst 1913*

Renewed to *2/19/17* Initials

Re-Insurance Examined by

Alderman Michael Flanagan, J.P.
of "Portmahon House", South
Circular Road, Dublin.

1 On the building occupied solely as a private dwelling house by the Insured, situate and known as "Portmahon House" South Circular Road, Dublin. 900

2 On Household Goods, Tenants' Fixtures and Fittings, Linen, Wearing Apparel, Printed Books, Plate, Wines and Liquors, China, Glass, Looking Glasses, Jewels, Clocks, Watches, Trinkets, Medals, Curiosities, Prints, Paintings, Drawings, Sculptures, Musical, Mathematical and Philosophical Instruments, all in private use (no one Curiosity, Print, Painting, Drawing, or piece of Sculpture, in case of loss, to be deemed of greater value than £.20 therein.) 400.

3 On the building of Stables all under one roof or communicating situate in "near yard" thereto or adjoining said dwelling house. 300.

4 On the building of a range of stables all under one roof or communicating situate in "far yard" there 300

5 On the building of another range of stables with harness maker's shop and office therein situate near there. 200.

6 On the building of wheelwright's shop, timber built and corrugated iron roof & stables adjoining 250

7 On the building of Carpenters Shop, paintshop, storerooms, Potash House, all under one roof or communicating thereto. situate near there 250

8 On the building of gated Lodge, Stone built and slated 50

(1). continued.

THE LIVERPOOL & LONDON & GLOBE INSURANCE COMPANY LIMITED.

Particulars of Policy No. 101374 H.S.H. from.....to.....

Renewed to.....Initials.....

Re-Insurance.....Examined by.....

(Continued)

- 18. On the building occupied solely as a private Dwelling house, situate and known as "Herberton House" ^{Dublin} South Circular Road. £400.
- 19. On the building of out offices all under one roof or communicating situate near there. 50

