



W. F. Aylward







# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVIII, No. 1.]

May, 1924.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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## Incorporated Law Society of Ireland.

Vol. XVIII., No. 1]

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[ FOR CIRCULATION  
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### Meetings of the Council.

*9th April.*

Sixteen Members present.

#### Valuation Office.

A letter in reply was read from the Secretary of the Valuation Office, assuring the Council as to the desire of the Commissioner that the Department should facilitate the public in every reasonable way in regard to the information they may require from the Valuation lists and maps; and that effective office arrangements have been made for expeditiously obtaining documents required, either to supply particulars of individual holdings or to enable copies to be ordered under the provisions of sec. 9 of 23 Vic., Cap. 4.

#### British Income Tax.

A further letter was read from the Secretary, Inland Revenue, Somerset House, in reply to the request of the Council that declarations of Free State Claimants for refunds of British Income Tax might be made before Commissioners to administer oaths, stating that in the view of the Board of Inland Revenue the convenience of the public should be fully met by the concession

indicated in the letter of the Secretary of the Board of 25th February, viz.: "that in individual cases where the claimant is unable on account of distance or for some other sufficient reason to attend before one of the persons before whom the Board have authorised Income Tax declarations in the Irish Free State to be made, they will consider the facts with a view to allowing a declaration to be taken before a Commissioner to administer oaths. They regret, however, that they are unable to grant a general authority that the declarations in question should be taken before such Commissioners."

*30th April.*

Twenty-one Members present.

#### Stop Orders.

A letter from a member was read in which it was suggested that in cases where prior to the destruction of the Four Courts a Stop Order had been recorded in the books of the Accountant-General, the holder of the Stop Order should be permitted to lodge with the Accountant-General a notice of the Order, accompanied by a plain copy of the order if forthcoming, and that thereupon the Accountant-General should enter in his



books "Notice of Stop Order by A. B." The Council approved of the suggestion, and directed that it should be submitted to the Lord Chief Justice.

#### Courts of Justice Act, 1924.

A letter was read from the Secretary of the Ministry of Home Affairs requesting that the Minister be informed, in due course, of the names of Solicitors selected to act as members of the Circuit Courts and District Courts rule making Committees. The matter was referred to a Committee to report on to the Council.

#### Annual Subscriptions.

Members are reminded that their Annual Subscriptions to the Society became due on the first day of May, as follows:—

Town Members, and Country Members, of more than three years standing, entitled to vote at election of Ordinary Members of the Council	....	....	....	.....	£	1	0	0
Other Country Members	....	....	....	....	0	10	0	0
Members who have been admitted to the profession under three years	0	10	0	0				

Subscriptions should be remitted to the Secretary, or paid at his office, 33 Molesworth Street, Dublin.

#### Obituary.

MR. POREFOY POE, Solicitor, died upon the 5th April, 1924, at Shrute Glebe, Ballymahon.

Mr. Poe was admitted in Trinity Term, 1860, and practised formerly at 21 Wellington Quay, Dublin, and subsequently at 189 Great Brunswick Street, Dublin, up to the year 1918, when he retired.

MR. ALFRED E. GOODBODY, Solicitor, died upon the 15th April, 1924, at London.

Mr. Goodbody was admitted in Trinity Sittings, 1881, and practised (in partnership with Mr. Lewis Goodbody and Mr. George A. Overend) at 24 Dame Street, Dublin and Tullamore.

MR. CHARLES MACMAHON, Solicitor, died upon the 15th April, 1924, at his residence Brookfield, Dundalk.

Mr. MacMahon was admitted in Michaelmas Term, 1875, and practised at Dundalk.

MR. JAMES A. HENDERSON, Solicitor, died upon the 18th April, 1924, at his residence 11 Cambridge Terrace, Leeson Park, Dublin.

Mr. Henderson served his apprenticeship with Mr. William L. B. Cochane, Bailieborough, and practised at 23 Anglesea Street, Dublin.

#### Professorship of Common Law.

The Council will upon Wednesday the 25th June, elect a Professor of Common Law to the Society, in room of Mr. Peter C. Furlong, B.A., R.U.I., Solicitor, whose term of office will expire at the end of Trinity Sittings. The new Professor will enter upon his duties next October.

The appointment will be made for one year, and the person appointed will be eligible for re-appointment for each of the four succeeding years.

A candidate for the Professorship must be either a practising Barrister or a practising Solicitor (in each case of not less than six years standing) and he should send his application before the 16th June to the Secretary of the Society, 33 Molesworth Street, Dublin. The duties of the Professor consists of delivering forty-two lectures between the months of September and July, and conducting *viva voce* examinations in the subjects of his lectures; and the Professor also examines in Common Law Theory at the Intermediate Examinations of the Society. Enquiry for any further particulars in reference to the Professorship should be addressed to the Secretary.

#### Stop Orders.

The Lord Chief Justice upon consideration of a communication from the Council, has given the following directions to the Accountant-General in reference to Stop Orders:—

1. In the case in which an office copy of a Charging or Stop Order is not forthcoming

in consequence of the destruction of the Four Courts, but where the Solicitor has in his possession a plain copy, he shall be at liberty to lodge with the Accountant-General a Notice of the Charging or Stop-Order, accompanied by such plain copy of the Order, certified by him to be correct, and thereupon the Accountant-General shall enter on his books Notice of the Order.

2. In cases where no copy is forthcoming, the Solicitor gives to the Accountant-General a Notice in writing that a Charging or Stop Order was obtained on a certain date, and the Accountant-General shall be at liberty to make a note in his books to the following effect:—

“The Accountant-General has received notice from Solicitor that on the            day of            192            a Charging Order (of which no office or certified copy is forthcoming) was made in favour of A.B. against C.D.'s interest in the funds to credit of this account.”

#### Results of Examinations.

At the Preliminary Examination held on 10th and 11th April, the following passed the examination and their names are arranged in order of merit:—

1. Bernard Bernstein.
2. Francis Armstrong; } equal.
- James C. Fagan; }
4. James Neville.
5. Anthony A. F. Tatlow.
6. Brendan Walsh.
7. Noel P. Shee.
8. Alan G. Murray.
9. William J. Leahy.
10. Timothy Lynch.
11. Nora M. O'Shiel.
12. Louis C. Murphy.

George Crowley and Gerald F. Robinson passed the modified Preliminary Examination for which they had liberty to present themselves.

Eighteen Candidates attended; fourteen passed; four were postponed.

At the Final Examination held on 2nd and 3rd and 4th April, the following passed the examination, and their names are arranged in order of merit:—

1. Laurence Kirwan. } equal.
- Patrick F. O'Reilly; }
3. Edward T. Richards.
4. William White.
5. Cornelius Healy.
6. Edward J. H. Hopkins.
7. Charles S. Quinlan.
8. John J. Hannan.
9. Robert H. Brett.
10. Charles J. Joyce.
11. Hugh R. Wallace.
13. Andrew J. O'Flynn.
13. William L. Ryan.
14. Hew Barrington Jellett.

The Council awarded Special Certificates to Laurence Kirwan and Patrick F. O'Reilly.

Twenty-two Candidates attended; fourteen passed; eight were postponed.

#### Intermediate Examination.

The Intermediate Examination will be held on Tuesday the 1st July in the Royal College of Surgeons, St. Stephen's Green, Dublin.

Notices from apprentices of intention to attend the examination should be lodged before 24th June in the Secretary's office, 33 Molesworth Street, Dublin.

#### Irish Solicitors' Golfing Society.

The Annual Meeting will be held at the Royal Dublin Golf Club, Dollymount, on Tuesday, the 3rd day of June, 1924. There will be a competition, 18 holes by stroke, in the forenoon; and in the afternoon a Four-some competition against bogey.

A dinner will be held in the evening.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 33 Molesworth Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVIII, No. 2.]

June, 1924.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XVIII., No. 2]

June, 1924.

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### HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held on Friday, the 16th May, in the Molesworth Hall, Dublin, Mr. James Moore, President, occupied the chair.

The following Members were present:—

Mr. R. Nesbitt Keller (Vice-President), Sir John O'Connell (Vice-President), Messrs. W. G. Bradley, P. J. Brady, E. H. Burne, J. W. Dyas, E. N. Edwards, W. H. Fry, C. G. Gamble, M. L. Hearn, J. E. McDermott, R. N. Matheson, A. H. S. Orpen, A. D. Orr, T. G. Quirke, Patrick Rooney, W. M. Seddall, A. W. Sterling, J. H. Walsh, R. G. Warren, C. P. Wilson, W. J. Ryan, D. B. Dunne, E. R. Bate, R. A. O'Brien, W. H. C. Lloyd, James Brady, F. E. Bermingham, E. Condell, S. M. Bell, J. P. Collins, V. F. Kirwan, E. J. Mallins, C. St. G. Orpen, Ivan Howe, E. R. McC. Dix, and V. E. Kirwan.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, and also the minutes of the Half-yearly General Meeting held in November last, which latter were confirmed and signed.

On the motion of Mr. Keller, seconded by Mr. Quirke, Messrs. W. W. Carruthers, D. B. Dunne, and T. A. Ireland were appointed auditors of the Society's accounts for year ending 30th April last.

The President nominated Messrs. E. F. Collins, Michael Dawson, Raymond French, F. G. Sharpe, and Nathaniel Taylor, scrutineers for the Council election ballot to be held next November.

THE PRESIDENT addressing the meeting, said:—Gentlemen, since we last met six months ago, we have suffered severe loss through death; Mr. Synnott for many years acted on your Council, and filled the office of President, greatly to your benefit. He was a man of the kindest disposition, of great ability. His words were few, but

when he did speak, anything he said was worthy of the greatest attention.

Mr. Meredith, another past-President, has also passed away. He came from a family of distinguished lawyers, and his death is a great loss to our profession.

Mr. John O'Dwyer (Tipperary); Mr. Farrell (Longford); Mr. Nolan (Castlereagh); Mr. Fleming (Lurgan); Mr. Blackburn (Carrickfergus); Mr. O'Doherty (Londonderry) and Mr. Kilpatrick (Armagh) have also died, and their loss will be felt both in our Society, and the several districts in which they practised.

At our last General Meeting a Special Committee was appointed, consisting of three members of the Council, and three members of the Society outside the Council, to deal with the Courts of Justice Bill as it then stood. This Committee held two meetings. Three amendments to the Bill were prepared by the Committee, and submitted to the Attorney-General, but I regret to say, none of the amendments were accepted. The Bill became law on the 12th April, and we must do all that in us lies to work it as best we can for the benefit of the community, but I cannot however but fear, that the procedure laid down is quite unsuitable for a sparsely populated country like ours, and where railway communication between the counties and Dublin is good, but inter-communication by rail between different parts of the counties and neighbouring counties is so deficient.

I believe the collection of Traders' accounts will be made much more difficult, and that in consequence, credit will be impaired and the community will suffer, as Trade without Credit will be difficult in a country not overflowing with Capital.

I believe the efficient working of the Circuit Courts will present great difficulty and inconvenience. In order to carry on



the business, proper offices of Record must be established, including an Accountant's office for each Circuit. I assume the Government do not intend to put the country to the expense of having such an office for each county. I note one of the Circuits includes Donegal, Leitrim, Cavan, and Monaghan, another Sligo, Roscommon, Westmeath, Leix, Offaly, and Longford, and yet another, Louth, Meath, Kildare, Wicklow, and Wexford. I tremble to think of the difficulties that will present themselves to the majority of the Solicitors practising in these Circuits no matter what towns are selected for the Offices of Record, the only solution that presents itself to my mind, at the moment is, that they will be compelled to have an agent in the town in which the office is situated. I hardly think it likely that libraries will be established in sufficiently convenient places, to enable counsel to argue serious law points, which must arise, having regard to the extended jurisdiction of the Circuit Courts. If I am right in this, the Judges will labour under great difficulties.

The Council made representation to the County Court Judges for an amendment of the Rules of July last, relative to costs under the Damages to Property (Compensation) Act, and I am pleased to say, amended rules were made last January by the Lord Chief Justice and the County Court Judges, giving the Courts jurisdiction to allow a reasonable sum, in addition to the items in the Schedule, when the Court considers such items inadequate, having regard to the work done.

The Rules under the recent Land Acts were submitted to me, with a view of Mr. Justice Wylie consulting me thereon before final adoption. The Rules were admirably drafted. They were carefully considered by a specially constituted Committee. I was received by the Judge in the most courteous manner; some of my suggestions were adopted, and I think the rules as gazetted leave nothing to be desired, and will greatly facilitate the carrying out the working of the Act.

Your Council is gradually building up their library, and we hope in a short time, it will be up to the standard of the fine library we had in our old premises.

Your Council is watching closely all legislation that affects our profession, and will do all in their power to see that the Rules of Court in the High Court, Circuit Court, and District Court will be so framed as to facilitate business as far as possible.

In conclusion I would wish to tender our hearty thanks to the President and Fellows of the Royal College of Surgeons for their continued kindness to our Society, in permitting us the use of their premises for lectures and examinations.

THE PRESIDENT in reply to questions put by Mr. E. R. McC. Dix, Mr. J. P. Collins, and Mr. E. J. Mallins, stated that the matter of the making of a catalogue of the books at present in the Society's Library was being attended to, and he hoped that within the next twelve months they would have permanent premises for their Library.

The Council had made application for a suitable waiting-room for Solicitors at the Law Courts at the Castle.

#### MEETINGS OF THE COUNCIL.

14th May.

Twenty-four Members present.

##### Income Tax Claims.

It was decided to request the Chief Inspector of Taxes (Claims), Strand, London, to recognise as agents Solicitors practising in the Irish Free State, who lodge claims for refunds of income tax on behalf of clients, and to correspond with such Solicitors on questions arising out of the claims.

##### Foreign Correspondents.

In reply to a letter from a member of the Society, the Council expressed the opinion that a Solicitor employing a foreign correspondent to do legal work for a client, incurs a personal responsibility to pay the Foreign Correspondent's charges.

28th May.

Twenty-seven Members present.

##### Civil Bill Appeals.

It was decided that a letter be written to the Minister of Justice, urging that steps be taken to have the large number of Civil Bill Appeals now pending throughout the Irish Free State disposed of without further delay.

**Obituary.**

MR. JOHN McCAY, Solicitor, died upon the 3rd May, 1924, at his residence Kilrail, Castlederg.

Mr. McCay was admitted in Hilary Term, 1871, and practised at Strabane.

MR. EDWARD B. MAGUIRE, Solicitor, died upon the 3rd May, 1924, at Dublin.

Mr. Maguire served his apprenticeship with Mr. Frank P. J. Maguire, Clones, was admitted in Trinity Sittings, 1917, and practised at 10 Chancery Place, Dublin.

MR. STEVENSON F. B. MARTIN, Solicitor, died upon the 3rd May, 1924, at his residence, Dúndrum House, Dúndrum, Co. Down.

Mr. Martin served his apprenticeship with the late Mr. John A. French, 7 Stephen's Green Dublin, was admitted in Trinity Sittings, 1896, and practised at Downpatrick up to the year 1905 when he retired.

MR. THOMAS TIGHE MECREDY, Solicitor, died upon the 20th May, 1924, at Monte Vista, Dalkey.

Mr. Mecredy served his apprenticeship with the late Mr. William Gibson, Solicitor, was admitted in Trinity Term, 1851, and practised in partnership with Sir James McG. Mecredy (under the style of Messrs. T. T. Mecredy & Sons), at 91 Merrion Square, Dublin, up to 1917, when he retired.

MR. EDWARD A. BEYTAGH, Solicitor, died upon the 25th May, 1924, at London.

Mr. Beytagh was admitted in Trinity Term, 1876, and practised at Kanturk up to the year 1916, when he retired.

MR. ALAN J. CONAN, Solicitor, died recently at Oren, Nigeria.

Mr. Conan served his apprenticeship with Mr. Henry B. O'Hanlon, 73 Dame Street, Dublin, and was admitted in Trinity Sittings, 1920.

MR. JOHN CONDON, Solicitor, died upon the 31st May, 1924, at Cork.

Mr. Condon was admitted in Trinity Sittings, 1881, and practised at Newcastle West.

**The Courts of Justice Act, 1924.**

By Order made by the Executive Council dated the 4th June, 1924, it was ordered that the 5th June, 1924, be fixed and appointed as the day on which the Courts of Justice Act, 1924, shall come into operation for the purposes of (a) Sections 1, 2, and 3 of the Act, (b) Part I of the Act, and (b) Part IV (except such provisions thereof as relate only to the Circuit Court, or the District Court) of the Act.

By a further Order made by the Executive Council and dated 11th June, 1924, it was ordered the 11th June, 1924, be fixed and appointed as the day on which the Act shall come into operation in Dublin City and County, being the Circuit mentioned at No. 1 in the Act, for the purpose of Part II. of the Act, and the purpose of Part IV. of the Act, so far as it relates to the Circuit Court.

Copies of the Act can be obtained from Messrs. Eason and Son, 40 Lower O'Connell Street, Dublin, price one shilling; by post, one shilling and one penny halfpenny.

**Rules of Court Committees.—Courts of Justice Act, 1924.**

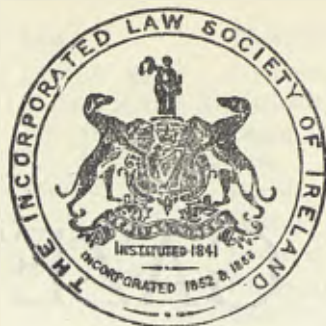
The President of the Incorporated Law Society of Ireland is a member of the Rules Committee for High Court and Supreme Court Rules under Section 36 of the Act.

The Council of the Incorporated Law Society have selected Mr. W. Gordon Bradley, Solicitor, Dublin, and Mr. John J. Horgan, Solicitor, Cork, to be members of the Rules Committee for the Circuit Court under Section 65 of the Act.

The President of the Incorporated Law Society of Ireland has nominated, with the concurrence of the Council, Mr. Edward H. Burne, Solicitor, Dublin, and Mr. James S. Gaffney, Solicitor, Limerick, to be members of the Rules Committee for the District Court under Section 90 of the Act.

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# THE GAZETTE

OF

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July, 1924.

[ FOR CIRCULATION  
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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XVIII., No. 3.]

July, 1924.

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETINGS OF THE COUNCIL.

11th June.

Twenty-three Members present.

#### Civil Bill Appeals.

A letter in reply was read stating that the Minister of Justice is well aware of the great inconvenience caused by the long delay in hearing Civil Bill appeals, and that he will endeavour to secure the hearing of these appeals as soon as possible after the relevant portions of the Courts of Justice Act, 1924, have been put into operation.

#### Income Tax Claims.

A letter in reply was read from the Chief Inspector of Taxes (Claims), Inland Revenue, Cecil Chambers, 86 Strand, London, stating that duly qualified solicitors practising in the Irish Free State will be recognised as Agents for correspondence on behalf of their clients, provided the necessary authority is given by the client in each case; that the repayment order will be forwarded to the claimant direct, but that there will be no objection to furnishing details of the repayment to a Solicitor acting as his client's agent, if he so desires.

#### Local Government Bill, 1924.

A report was submitted from the Parliamentary Committee, and it was resolved

to request the Minister for Local Government to receive a deputation from the Council.

25th June, 1924,

Twenty-eight Members present.

#### Colonial Solicitors' Act, 1900.

A letter was read from the late Attorney-General in reference to the request of the Council to have this Act made applicable to the Irish Free State, and it was resolved to address a communication in reply to the present Attorney-General.

#### Court of Examiners.

Reports were submitted upon two applications for liberty to be bound under Section 16. Both applications were granted.

#### Obituary.

MR. WILLIAM F. WEBB, Solicitor, died upon the 16th June, 1924, at his residence, Upmeads, Halland, Sussex.

Mr. Webb was admitted in Michaelmas Sittings, 1882, and practised (latterly in partnership with Mr. Leonard Webb, under the style of Webb & Webb) at 1 Suffolk Street, Dublin, up to the year 1914, when he retired.

**Professor of Common Law.**

The Council on 25th June, elected Mr. Michael Dawson, B.A., R.U.I., Solicitor, to be Professor of Common Law in the room of Mr. Peter C. Furlong, B.A., R.U.I., Solicitor, whose term of office expires this Sittings. Mr. Dawson obtained first place at his final examination, was awarded a Silver Medal, and was admitted in Hilary Sittings, 1906.

**Notaries Public.**

The following have been appointed to be Notaries Public:—

Mitchell, James D., Solicitor, Parsonstown.  
Thornhill, William W., Solicitor, Cork.

**Commissioners to Administer Oaths.**

The following have been appointed Commissioners to administer Oaths:—

Byrne, William J., Solicitor, 7 Lr. Ormond Quay, Dublin.

Corrigan, Wm. C. M., Solicitor, 3 St. Andrew Street, Dublin.

Cusack, John, Solicitor, 3 Lr. Sackville Street, Dublin.

Early, John, J. Solicitor, 16 Henry Street, Dublin.

Fullerton, Thomas J., Solicitor, 32 Nassau Street, Dublin.

Kearney, Matthew P., Solicitor, Thomastown, Kilkenny.

Lawlor, James J. F., Solicitor, 16 Lr. Sackville Street, Dublin.

Little, Joseph J., Solicitor, 27 South Frederick Street, Dublin.

Long, John A., Solicitor, 74 Dame Street, Dublin.

McCabe, James J., Solicitor, Cork.

O'Brien, Charles W., Solicitor, 8 Parliament Street, Dublin.

O'Meara, Barry M., Solicitor, Cork.

Robinson, Thomas P., Solicitor, 4 Lr. Sackville Street, Dublin.

Thornhill, Wm. W., Solicitor, Cork.

Commins, George A., Law Clerk, 13 Bachelor's Walk, Dublin.

Crean, Cecilia, District Court Clerk, Claremorris.

Dardis, Leo, District Court Clerk, Kilkenny.

Dowling, Thomas, Law Clerk, Kilkenny.

Flanagan, William, Peace Commissioner, Tullamore.

Hoey, Michael J., District Court Clerk, Bray.

MacDermott, Charles, District Court Clerk, Ballaghaderin and Charlestown.

McCreery, Charles E., Auctioneer, Kilkenny.

McDowell, Maureen, Solicitor's Apprentice, 3 College Green, Dublin.

McGowan, James, District Court Clerk, Sligo.

McNally, John T., Law Clerk, Waterford.

O'Brien, Michael, District Court Clerk, Ennis.

O'Callaghan, Michael, District Court Clerk, Tipperary.

Turnbull, John, Land Agent's Assistant, Tullamore.

**Solicitors' Buildings, Four Courts.**

The Council lodged a claim for Compensation in respect of the destruction of the Society's premises at the Four Courts, which the Society held on a 999 years' lease, at a nominal rent of one shilling per annum, from the Benchers of the King's Inns, and for compensation in respect of the destroyed contents of the premises. On the application of Counsel on behalf of the Society, on 27th June, the Circuit Judge of Dublin stated he would report under Section 15 of the Damage to Property (Compensation) Act, 1923, in favour of the agreed-on sum of £7,074 being awarded in respect of the destroyed contents, and he would adjourn the consideration of the claim in respect of the destroyed premises, and would reserve the question of costs.

**Irish Free State Acts, 1924.**

The following Acts have received the King's Assent during the present year :

1. Public Safety. Powers of Arrest and Detention.
2. Court Officers (Temporary Appointments.)
3. Dail Eireann Loans and Funds.
4. Coroner's Qualification.
5. Civil Service Regulation.
6. Fisheries.
7. Local Government Electors Registration.
8. Central Fund.
9. Firearms (Temporary Provisions).
10. The Courts of Justice.
11. Local Government (Collection of Rates).
12. Summer Time.
13. Local Government (Temporary Provisions) (Amendment)
14. Housing (Building Facilities).
15. Public Safety (Punishment of Offences) Temporary Act.

16. Ministers and Secretaries.
17. Electricity Undertakings (Continuance of Charges).
18. Juries (Amendment).
19. Old Age Pensions.
20. Enforcement of Law (Occasional Powers).
21. Companies (Reconstitution of Records)
22. Road Fund (Advances).
23. Civic Guard (Acquisition of Premises) (Amendment) Act.

**Statutes (Northern Ireland).**

The Statutes for 1921 and 1922 are now ready in cloth bound volumes, and can be obtained through Messrs. Hodges, Figgis & Co., Booksellers, 20 Nassau Street, Dublin.  
Price: 1921, 2s. 6d., Postage 2½d. 1922, 4s. 6d., Postage 4d.

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# THE GAZETTE

OF

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[ FOR CIRCULATION  
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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XVIII., No. 4 ]

August, 1924.

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETINGS OF THE COUNCIL.

9th July.

Twenty-seven Members present.

#### Estate Duty.

In reply to an inquiry from a member, the Council expressed the opinion that where a deceased who was domiciled in the Irish Free State leaves Irish Free State assets and English assets, the convenient procedure to obtain a grant is in the first instance to pass in London a Schedule of the English assets and pay the duty thereon, and then proceed to obtain a grant in the Irish Free State. Upon production of the receipt for duty paid on the English assets no duty will be claimed to be payable in the Irish Free State on the English assets, when applying to obtain a grant in the Irish Free State.

#### Land Registry.

In response to a request from a member it was resolved to request the Inland Revenue authorities to have Land Registry stamps kept on sale at the Law Courts, Dublin Castle, and at College Green Post Office, in addition to the Ormond Quay Post Office.

#### Stamp Adjudication Office.

In response to a request from a member it was resolved to request the Inland Revenue authorities to have the number of the staff of the Inland Revenue Adjudication Office increased, and that attendance should be given in the office up to four o'clock p.m.

23rd July.

Twenty-eight Members present.

#### Examinations.

Four Memorials under Sec. 18 asking for modified Preliminary Examinations were considered, and in each of the four cases, the Council decided to offer no opposition to the granting of the application.

### Obituary.

MR. HENRY I. JOHNS, Solicitor, died in July, 1924, at his residence, Ardeen, Antrim Road, Belfast.

Mr. Johns was admitted in Michaelmas Sittings, 1883, and practised as a member of the firm of Messrs. Johns, Hewitt, and Johns at Belfast, up to the year 1890, when he retired.

MR. WILLIAM RYAN, Solicitor, died upon the 18th July, 1924, at Dublin.

Mr Ryan served his apprenticeship with his brother Mr. E. Arthur Ryan, Dungarvan, was admitted in Michaelmas Sittings, 1913, and practised at Dungarvan, and subsequently at Fethard.

MR. WILLIAM A. McMULLAN, Solicitor, died upon the 26th July, 1924, at Dublin.

Mr. McMullan was admitted in Trinity Sittings, 1888, and practised at 3 South Frederick Street, Dublin.

### New Members.

The following have joined the Society—  
Desmond J. Collins, 19 Eustace Street, Dublin.

Thomas W. Franks, 9 Eustace Street, Dublin.

John D. Hollinger, 20 St. Andrew Street, Dublin.

Charles J. Joyce, 51a Dawson Street, Dublin.

Patrick F. O'Reilly, 12 Aston's Quay, Dublin.

Thomas A. W. Purefoy, Bank of Ireland, College Green, Dublin.

John J. Smith, Castlebar. ...

**The Rt. Hon. THOMAS F. MOLONY**  
(Late Lord Chief Justice of Ireland.)

The Council at its meeting on 11th June, passed the following resolution, which was subsequently presented to The Right Hon. Thomas F. Molony, at his residence, by the President, accompanied by the Vice-Presidents and the Secretary. Mr. Molony, in reply, expressed his appreciation of the resolution and his cordial thanks to the Council for their action in passing and presenting it to him:—

**RESOLVED:**

The Council of the Incorporated Law Society of Ireland desire to convey to the Right Hon. Thomas Francis Molony their appreciation of the great services rendered by him to the legal profession during his tenure of the office of Lord Chief Justice of Ireland.

The Council realize that at a time when the interests of the legal profession were in serious danger it was through the exertions of the Lord Chief Justice of Ireland that they were safeguarded and preserved.

The Council desire to express to the Right Hon. Thomas Francis Molony their cordial thanks for his unvarying courtesy to the Council and to the Solicitors' profession generally, and they tender to him their hearty good wishes for his future happiness, prosperity and welfare.

**Local Government Bill, 1924.**

This Bill was introduced in Dail Eireann by the Minister for Local Government on 20th May, and has been read a second time. Under clause 58 it is proposed that Section 8 of the Local Government (Ireland) Act, 1919, be repealed. This section was passed for the protection of then existing local Officers in case of their removal from, or resignation of, office. The standing solicitor of a local authority is specifically included under Section 8 of the Act of 1919, as a pensionable officer.

The Bill provides for the abolition of Rural District Councils, and while it provides for the superannuation of "pensionable officers" whose offices are abolished, the Solicitor of a local body is not included in the definition of pensionable officer contained in the Bill.

The Council had the Bill under consideration and it was decided to request the

Minister to receive a deputation in reference to the claims of Solicitors for local bodies.

The President, the Vice-Presidents and the Secretary, had an interview with the Minister and Secretary of Local Government, with the result that the Minister undertook to move a clause in Committee on the Bill providing for the protection of those Solicitors to local bodies who are at present protected by Section 8 of the Local Government (Ireland) Act, 1919, and he requested that a draft clause for this purpose be sent to him from the Council, and this has been done.

**Sheriffs' Fees.**

Section 15 of the Enforcement of Law (Occasional Powers) Act, 1924, enacts that the Minister for Justice may revise the scale of fees to be paid to Under-Sheriffs. The Council learnt that the Minister intended to issue an Order under the Act greatly increasing the fees payable to the Under-Sheriff on lodgment of *fi-fas* and decrees for execution, and the Council being of opinion that such increase would injuriously affect the recovery of debts, decided to submit their views on the matter to the Minister. The President had an interview with some of the Under-Sheriffs, and ascertained, that although they were of opinion the present fees, paid on lodgment, should be increased, they did not think they should be greatly increased. Subsequently the President, with the Secretary, interviewed the Secretary of the Ministry of Justice and informed him of the views of the Under-Sheriffs with whom he had had the interview and also of the views of the Council, and he received an assurance that before any Order was issued these views would be carefully considered. Since this interview the following Order has been made by the Minister, and it will be seen that it does not make any alteration in the fees at present payable on lodgment of *fi-fas*, or decrees for execution.

**Order of Minister for Justice under Section 15 Enforcement of Law (Occasional Powers) Act, 1924; fixing and revising Scale of Fees chargeable by and payable to Under-Sheriffs, Bailiffs, and other persons for their services in the execution of Writs Decrees and Orders.**

WHEREAS by the Enforcement of Law (Occasional Powers) Act, 1924, section



fifteen it is amongst other things enacted that the Minister for Justice may by Order appoint and from time to time revise the scale of the fees to be charged by and paid to Under-Sheriffs, Bailiffs, and other person for their services in or about the execution of writs of *fieri facias* and writs of *habere* and in or about the execution of decrees (whether for debt, possession of land or otherwise) of Civil Bill Courts and that the fees specified in any such scale of fees shall be in lieu of and in substitution for the fees now by law chargeable by or payable to Under-Sheriffs, Bailiffs and other persons for the like service.

AND WHEREAS at the passing of the said Act certain poundage fees and charges were chargeable by and payable to such persons aforesaid under or by virtue of certain Statutes, Rules and Orders previously made and promulgated (hereinafter referred to as "the existing scale of fees and charges").

NOW I. CAOIMHGHIN O h-UIGIN, Minister for Justice, in pursuance of the powers vested in me under section fifteen of the Enforcement of Law (Occasional Powers) Act, 1924, and of all other powers me thereunto enabling do order, appoint and declare :

(1) that the scale of fees set forth in the Schedule hereto shall take effect from the date hereof and be in force until further order in lieu of and in substitution for any fees heretofore chargeable under the existing scale of fees and charges in respect of any matter for which a fee is provided in the said Schedule.

(2) That save in respect of matters mentioned in the Schedule hereto all poundages, fees, and charges payable under or by virtue of the existing scale of fees and charges shall be the poundages, fees, and charges chargeable and payable in respect of the matters specified in such existing scale of fees and charges.

#### SCHEDULE.

For each man properly left in possession of any goods or chattels seized under any writ, decree, order, or other process :

If boarded, per diem..... 9/-

If not boarded, per diem..... 12/6

GIVEN under my Hand this nineteenth day of July, 1924.

(Signed) C. O h-UIGIN,  
MINISTER FOR JUSTICE.

#### Intermediate Examination Result.

At the Intermediate examination for apprentices held on 1st July the following passed the examination, and their names are classed and arranged in order of merit.

##### CLASS I.

1. Terence K. Liston; 2. Stephen Maher; 3. Peter P. Wilkinson; 4. Patrick J. Loftus; 5. John D. Fitzgerald; 6. Vincent P. Dillon; 7. John H. Bergin; 8. Joseph Murray; 9. Vincent Connolly and Henry B. C. Moore, equal; 11. James A. Rice; 12. Peter Canning; 13. Thomas C. Williams.

##### CLASS II.

1. Vincent P. Duffy and Edward J. Montgomery, equal; 3. Joseph G. Fitzgerald and John W. McHale, equal; 5. John L. Kealy; 6. Archibald Robinson; 7. Joseph M. V. M. McCabe; 8. Joseph O'Dwyer, jun.; 9. Robert G. Ball.

28 Candidates attended—22 passed; 6 were postponed.

#### The Society's Examinations—October, 1924.

The following Examinations will be held at the Royal College of Surgeons, Stephen's Green, Dublin, in October next.

Preliminary—2nd and 3rd October—Notices to be lodged before 16th September.

Intermediate—6th October—Notices to be lodged before 23rd September.

Final—7th, 8th and 9th October—Notices to be lodged before 23rd September.

Notices to be lodged in the Secretary's Office, 33 Molesworth Street, Dublin.

#### Lectures

Michaelmas Sittings, 1924.

Lectures will be delivered on the following dates at the Royal College of Surgeons, Stephen's Green, Dublin:—

##### JUNIOR CLASS.

October 27, 30.

November 3, 6, 10, 13, 17, 20, 24, 27.

December 1, 4.

##### SENIOR CLASS.

October 28, 31.

November 4, 7, 11, 18, 21, 25, 28.

December 2, 5.

Notice of intention to attend either class of lectures, and lecture fee of 3 guineas, should be sent before 20th October to the Secretary, 33 Molesworth Street, Dublin.



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### BALLOT FOR COUNCIL.

The Ballot for election of Council will be held on Friday, 21st November, from eleven o'clock to one o'clock, in the Secretary's office, 33 Molesworth Street, Dublin. Voting papers should reach the Secretary not later than one o'clock on the 21st inst.

### HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society will be held at Two o'clock, p.m., on Wednesday, 26th November, in the Molesworth Hall, Molesworth Street, Dublin.

### MEETINGS OF THE COUNCIL.

*October 1st.*

Twenty-one Members present.

#### Land Registry.

A letter in reply was read from the Inland Revenue, stating that Land Registry Stamps are on sale at College Green Post Office and will be on sale at the Law Courts.

#### Land Act, 1923.

The procedure on the hearing of Appeals before the Judicial Commissioner under Sec. 25 was referred to the Land Act Commissioners for consideration.

#### Costs Query.

The report of the Costs Committee on the following query was submitted and adopted:—

As between Lessor and Lessee should the Lessee bear as portion of the costs of the

Lease, the costs of the Solicitor for a Mortgagee, for approving of draft lease and obtaining the execution of lease and memorial by Mortgagee as a granting party. The Committee expressed the opinion that in the absence of an agreement to the contrary the Lessee is not liable to pay the costs of the Mortgagee's Solicitor (*See Fletcher v. Dyson, 1903, 2 Ch.*)

*October 15th.*

Twenty-five Members present.

#### Court of Examiners.

The report on the result of the Intermediate Examination, was adopted. A report was submitted on an application by an intending apprentice for leave to be bound under Section 16 was submitted, and the application was granted.

#### Solicitors' Acts.

A claim made by an Auctioneer in the country for remuneration for performing work which should only be performed by a Solicitor was considered. It was ordered that further information be requested, and when received, submitted to Counsel for his opinion with a view to proceedings for penalties being instituted.

*October 29th.*

Twenty-three Members present.

#### Court of Examiners.

The report on the results of the Preliminary and Final Examinations, and the awards of Scholarships was submitted and adopted.

**Land Registry.**

In response to a letter from a Provincial Delegate it was ordered that a letter be written to the Chief Registrar of Titles in reference to obtaining copies of Folios in Local Registries.

**Annual Report.**

The draft Annual Report of the Council was considered and adopted.

**New Members.**

The following have joined the Society since 31st July:—

- Barry, James R., 50 South Mall, Cork.
- Blake, James J., 59 South Mall, Cork.
- Comerford, William J. V., Tuam.
- Cullen, Augustus, Wicklow.
- Cussen, Robert, Newcastle West.
- Daly, J. J., Ennistymon.
- Deyos, Robert, 28 South Mall, Cork.
- Donegan, Henry P. F., 74 South Mall, Cork.
- Doogan, Eric C., Monaghan.
- Downing, Charles J., Tralee.
- Dunbar, Thomas B., Enniscorthy.
- Exham, Alfred H., 10 South Mall, Cork.
- Exham, Cecil H., 10 South Mall, Cork.
- Exham, Henry, 10 South Mall, Cork.
- Exshaw, Sydney, Monaghan.
- Fitzgerald, J. G. E., Monaghan.
- Frewen, William, Tipperary.
- Hamill, Goodlette, Dundalk.
- Healy/Alexander M., 48 Grand Parade, Cork.
- Heuston, Robert B., Tipperary.
- Hopkins, Edward J. H., Wicklow.
- Huggard, William S., Ballina.
- Hunt, Edward D., 5 Glentworth Street, Limerick.
- Keenan, Daniel X., Monaghan.
- Keenan, J. J., Monaghan.
- Kelly, Thomas J., New Ross.
- Kennedy, J. A., Killenaule.
- King, D. P., Tralee.
- Lavan, James P., Newcastle West.
- Laverty, Charles, Castleblayney.
- Macken, J. J., Mullingar.
- Moloney, G. J., 70 South Mall, Cork.
- Mooney, James J., 48 South Mall, Cork.
- Mooney, John, 48 South Mall, Cork.
- Morrogh, William, 45 South Mall, Cork.
- Murphy, Charles K., 53 South Mall, Cork.

Murphy, J. B., Clones.

McCabe, J. J., 17 South Mall, Cork.

Noonan, M. F., Rathkeale.

O'Connor, Daniel P., Naas.

O'Meara, B. M., 18 South Mall, Cork.

Parke, William A., Clones.

Pigot, D. R., 14 Fitzwilliam Place, Dublin.

Pringle, Alexander, Clones.

Quinlan, C. S., 12 Gt. George Street, Waterford.

Roche, Samuel, Tullow.

Skinner, J. G., Mitchelstown.

Skinner, W. J., Clonmel.

Spain, C. J., Roscrea.

Tynan, Michael, 41 William Street, Limerick.

**Obituary.**

MR. JOSEPH McDERMOTT, Solicitor, died upon the 13th August, 1924, at his residence, Coolavin Lodge, 161 Rathgar Road, Dublin.

Mr. McDermott served his apprenticeship with the late Mr. William Mooney, 16 Fleet Street, Dublin, was admitted in Trinity Sittings, 1895, and practised at 16 Fleet Street, Dublin, in partnership with Mr. Edmond Mooney

MR. CHARLES J. MULOCK, Solicitor, died upon the 27th August, 1924, at Dublin.

Mr. Mulock was admitted in Trinity Term, 1874, and practised at Tullamore up to the year 1908, when he retired.

MR. EDWARD HARTE, Solicitor, died upon the 27th September, 1924, at his residence, Eskenvew, Rathdowney.

Mr. Harte served his apprenticeship with his brother, Mr. James Harte, Kilkenny, was admitted in Trinity Sittings, 1903, and practised at Rathdowney.

MR. THOMAS H. WILLIAMS, Solicitor, died upon the 6th October, 1924, at Dublin.

Mr. Williams served his apprenticeship with Mr. William R. Fenton, Sligo, was admitted in Trinity Sittings, 1889, and practised at Sligo.

MR. GEORGE P. M. WATSON, Solicitor, died upon the 31st October, 1924, at Gibraltar.



Mr. Watson served his apprenticeship with the late Mr. T. T. L. Overend, 12 Ely Place, Dublin, was admitted in Michaelmas Sittings, 1898, and practised at 34 Dawson Street, Dublin, up to the year 1900, when he retired from practice.

**Examination Results.**

At the Preliminary Examination held on 2nd and 3rd October, the following passed the examination, and their names are arranged in order of merit;—

1. Gerald M. Counahan
2. Michael Vignoles.
3. Patrick J. O'Neill.
4. Patrick J. McCarthy.
5. James F. M. Egan.
6. Daniel F. Williams.
7. Henry Downing.
8. Robert A. Frewen.
9. Michael White.
10. Frederick Butterworth.
11. Cecil M. E. Winder.

James Burns, James Cody, Daniel C. Mangan, Edward Neville, Francis Poyntz and John P. J. Smith passed the modified Preliminary Examination for which they had liberty to present themselves.

Twenty-one Candidates attended; 17 passed; 4 were postponed.

**Preliminary Examinations Prizes, 1924.**

The Council awarded a Silver Medal to Gerald M. Counahan.

At the Intermediate Examination for Apprentices to Solicitors, held on 6th October, the following passed the examination, and their names are classed and arranged in order of merit:—

**CLASS I.**

1. Gerald F. Robinson.
2. Mary Lohan.
3. Henry C. Thompson.
4. Michael B. Roche.

**CLASS II.**

1. Henry H. Barry
2. Alexander W. Hughes } equal.
3. Carter S. Draper.
4. Frederick W. D. Moorhead.
5. Cuthbert J. Furlong.
6. Frederick J. Dempsey.

Ten Candidates attended, and the 10 Candidates passed.

At the Final Examination held on the 7th, 8th, and 9th October, the following passed the examination and their names are arranged in order of merit:—

1. Samuel Love.
2. Dorothea M. Browne.
3. John S. O'Connor.
4. James Tanham.
5. Michael Kavanagh.
6. Charles J. C. Joyce.
7. James P. Glynn.
8. Redmond O'Regan.
9. John B. McNulty.
10. Dermot M. McDowell.
11. Patrick D. O'Grady.
12. Stephen M. McAuliffe.
13. John Halpenny.
14. Charles M. Glass.
15. Francis Murphy, B.A., N.U.I.
16. Martin J. Neilan.
17. Frank Thornton.
18. Leopold J. Jameson.
19. Edmund A. Corr.

The Council awarded Silver Medals to Samuel Love, Dorothea M. Browne and John S. O'Connor, and Special Certificates to James Tanham and Michael Kavanagh.

Thirty Candidates attended; 19 passed; 11 were postponed.

**Scholarships, 1924.**

The Findlater Scholarship was awarded to Edmund Carroll who obtained First Place and a Silver Medal at the October, 1923, Final Examination. He served his apprenticeship with his father, Mr. Anthony Carroll, of Fermoy.

The Overend Preliminary Examination Scholarship was awarded to Gerald M. Counahan, who is serving his apprenticeship with Mr. Robert Kieran, of Dublin. The Overend Final Examination Scholarship was awarded to Samuel Love, who served his apprenticeship with Mr. George T. Harley of the firm of R. H. Wallace & Co., Downpatrick.

**Damage to Property (Compensation) Act, 1923.**

On the 1st August, 1924, the Damage to Property (Compensation) (Amendment) Act, 1924, was passed, the object of which is to authorise the issue of Securities in cases within Section 15 of the Act of 1923. Section 2 of the Amending Act provides that



notwithstanding anything to the contrary contained in Section 13 of the Act of 1923, the Minister for Finance may issue Securities created by an order made under that Section to applicants in cases within Section 15 of the Act of 1923 in discharge of a sum not exceeding the sum mentioned in pursuance of paragraph (b) of Sub-Section (3) of Section 15 in the report made by the Judge under that Section.

The Minister for Finance has pursuant to Sec. 11 of the Damages to Property Act, 1923, after consultation with the Law Officer and the President of the Incorporated Law Society of Ireland, prescribed the following scale of compensation for destruction of or damage to documents:—

	(1)	£	s.	d.
(a) Replacing lost leases or deeds—				
1st deed (original or copy) ...		2	2	0
Each deed after first, relating to the same property (original or copy) ...		0	10	6
In addition there shall be allowed any necessary outlay in respect of scrivenery charges, stamp duties and the usual attendance fee (10s.). Such scrivenery charges shall not exceed sixpence per folio of 72 words for copies and one shilling per folio for originals (both inclusive of 50 per cent. increase).				
Memorial of deed or copy of Landed Estates Court conveyance, and any necessary outlay ...		0	13	4
As an alternative to above and in cases where really necessary, registration of the title in the Land Registry and on production of Certificate of Title, inclusive sum of ...		8	8	0
Judge's Order for liberty to issue duplicate Land Certificate and obtaining same ...		3	3	0
(b) Replacing Contracts or Agreements in Writing (original or copy) ...		0	10	6
(c) Obtaining new Debentures ...		1	1	0
(d) Obtaining new Stock or Share Certificate, or other document of title to any stock or share		1	1	0

The fee allowed at (c) and (d) of s. d. shall not include Companies' charges or (where advertisements or guarantees are required) the costs of such advertisements and fee to Guarantee Co. ...				
(e) Obtaining substituted Policy of Insurance ...		2	2	0
(f) Remaking Will (or where testator dead, procuring evidence of contents) ...		2	2	0
Procuring Copy Probate of Will, Letters of Administration, and any necessary outlay		0	13	4
(g) Official copy of Court Order, affidavit or other document, relating to legal proceedings, and any necessary outlay ...		0	10	6

(2)

- (a) The above scale applies to cases in which the documents in question have been totally destroyed.
- (b) In cases of damage only, a fair and reasonable proportion of the compensation payable in respect of total destruction shall be allowed in accordance with the Judge's assessment of the damage done, the above figures being regarded as maxima, subject to (c) below.
- (c) The increase of 50 per cent. authorised by the Rules made in 1920, pursuant to the Solicitors Remuneration Act, 1881, shall be applicable to the above scale.

**District Courts.**

The Minister for Justice has made an Order entitled "The Under-Sheriffs' and 'Bailiffs' District Court Fees (No. 2) Order, 1924," containing the scale of fees chargeable by and payable to Under-Sheriffs, Bailiffs, and other persons for their services in or about the execution of decrees of the District Court in civil cases.

Copies of the Order can be obtained from Messrs. Eason and Son, 40 Lower O'Connell Street, Dublin, price threepence.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 33 Molesworth Street, Dublin.



# THE GAZETTE

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### HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held in the Molesworth Hall, Dublin, on Wednesday, 26th November, 1924; Mr. James Moore (President) in the chair.

The following members of the Society were also present:—R. Nesbitt Keller (Vice-President); Sir John O'Connell (Vice-President); C. W. Battley, W. G. Bradley, P. J. Brady, E. H. Burne, J. W. Dyas, E. N. Edwards, C. Gamble, W. S. Hayes, W. Henry, J. E. MacDermott, A. H. S. Orpen, A. D. Orr, T. G. Quirke, P. Rooney, P. M. Seales, W. V. Seddall, B. Thompson, R. G. Warren, Sir George Roche, C. St. G. Orpen, M. J. Byrne, P. J. Byrne, J. J. Duggan, J. J. Lynch, T. Noonan, D. O'Connell, D. J. Reilly, L. J. Ryan, P. J. Tallan, H. K. Toomey, J. Brady, D. B. Dunne, W. J. Ryan, A. E. Walker, A. Woodcock, Edward S. Lowe, Ernest S. Lowe, F. G. Sharpe, T. H. R. Craig, F. C. E. Bland, E. Condell, R. W. Potterton, G. M. Porter, E. F. Collins, C. J. Joyce, C. J. C. Joyce, E. R. Bate, O. P. Beater, E. R. McC. Dix, H. S. Draper, W. S. Barrett, F. E. Bermingham, C. G. Stapleton, G. A. Byrne, L. J. O'Neill, S. M. Bell, J. M. Seales, T. W. Franks, T. D. MacLoughlin, R. D. English, Q. W. Kennedy, F. Kerr, J. W. Davis, R. W. MacNeice, E. J. French, T. J. Tiernan, L. Webb, V. E. Kirwan, E. J. Mallins, F. S. D. Colquhoun, J. P. Collins, M. A. Smyth, and W. H. C. Lloyd.

The Secretary read the notice convening the meeting, also the Minutes of the Half-

yearly Meeting held on 16th May last, which latter were signed by the President, who also signed the audited accounts for the year ending 30th April, 1924.

The Secretary read the report of the scrutineers of the ballot for Council for the year ending 26th November, 1925, which stated that the following had been returned as Provincial Delegates:—W. H. Halpin (Ulster), James S. Gaffney (Munster), Michael Buggy (Leinster), and Henry J. Concanon (Connaught); and the following having obtained the number of votes placed after their names have been elected as the thirty-one Ordinary Members of the Council:—Horace Turpin, 280; Patrick J. Tallan, 265; Edward H. Burne, 262; Thomas G. Quirke, 254; Laurence J. Ryan, 253; Michael E. Knight, 250; William S. Hayes, 248; Henry Murphy, 241; John J. Duggan, 240; Henry K. Toomey, 237; James J. Lynch, 235; James Moore, 232; Peter Seales, 232; Daniel J. Reilly, 231; William V. Seddall, 230; Robert G. Warren, 229; Thomas J. Dowdall, 228; Matthew J. Byrne, 226; Arthur H. S. Orpen, 225; Joseph E. MacDermott, 225; W. Gordon Bradley, 224; Patrick J. Byrne, 224; William Martin, 220; Thomas Noonan, 220; John J. Macken, 219; Charles Lavery, 215; John G. Reid, 214; Charles Gamble, 213; Goodlett Hamill, 211; Daniel O'Connell, 210; Sir John O'Connell, 207; and the following for a supplemental list to fill vacancies:—Basil Thompson, 203; Frank Fottrell, 202; and Andrew A. Wells, 199.



THE PRESIDENT, in moving the adoption of the Annual Report, said:—Gentlemen, before moving the adoption of the Council's Report I would like to say how sorry we all were on hearing of the death of the late Mr. William Byrne, Solicitor. His bright personality endeared him to all who came into contact with him, and our sympathy goes out to his widow and young family.

The Report has been in your hands for some days, and in moving its adoption I shall be brief; I think it is a record of work done. The business entailed a good deal of hard work on your Council, who found it necessary to hold no fewer than forty-two meetings of Committees of the Council.

The claim for compensation for destruction of our buildings has not yet been finally dealt with. The matter has been under the careful consideration of your Council, and it is hoped that a definite decision will be arrived at in the near future.

The claim for compensation for the contents of our Society's premises has been the subject of an award which your Council consider was fair both to our Society and to the Executive, and the compensation has been paid.

There are 995 practising Solicitors in the Irish Free State, and of these 677 are members of our Society.

Inconvenience has been caused to our members by reason of there being no room at the Castle for the accommodation of Solicitors. The Council have been informed that it is hoped that the authorities will be in a position to provide a room in the very near future.

There have been several meetings of the different Rule-making Authorities; progress has been made, and, I think, if settled, as now suggested, the business of the State can be carried on with efficiency.

The Council has been in communication with the Minister of Local Government since the issue of the Report, and I am pleased to say that they have received from him amendments which he intends to propose in Committee on the Local Government Bill at present before the Dail, for the purpose of safeguarding the existing rights of Solicitors to Councils.

The Library of our Society is growing, and it is hoped shortly to have sets of Law

Reports available. There are now 876 volumes.

I am glad to say, as you see from our balance sheet, that our financial condition has substantially improved during the year. The time is now beginning when young Solicitors who serve their apprenticeship in the Free State will not be entitled to practise in Northern Ireland, and those who serve their apprenticeship in Northern Ireland will not be entitled to practise in the Free State. All Solicitors sworn in prior to 1st October, 1921, have a right to practise in every part of Ireland. All who were apprentices to Solicitors in Ireland on or prior to 1st October, 1921, when admitted in the Free State, have the additional right to practise in Northern Ireland, or on admission in Northern Ireland have the additional right to practise in the Free State, but apprentices who after the 1st October, 1921, are articled to Solicitors in the Free State, on admission have only the right to practise in the Free State, and apprentices who are articled after 1st October, 1921, to Solicitors in Northern Ireland, on admission are entitled to practise in Northern Ireland only.

In conclusion, I would wish again to tender our hearty thanks to the President and Council of the Royal College of Surgeons for their continued kindness in allowing our lectures and examinations to be held in their premises.

MR. R. NESBITT KELLER (Vice-President) seconded the adoption of the Report.

SIR GEORGE ROCHE expressed appreciation of the work done during the year by the President and Council, and hoped that the question of compensation for the Society's destroyed premises at the Four Courts would soon be settled, so that better premises than the temporary offices would be obtained. He drew attention to the question of the imposition of double income tax, which was a serious one for members of the profession and their clients.

MR. JAMES BRADY urged that all Solicitors in the Irish Free State should become members of the Society. He drew attention to the inconvenient arrangements

for the hearing of County Dublin District Court cases from outlying parts of County Dublin.

MR. E. J. MALLINS suggested that compensation awards for damages and for costs should not both be paid by the same draft, but that there should be separate drafts for the amount of the damages and for the amount of the costs.

MR. J. P. COLLINS drew attention to the want of a room for the use of Solicitors at the Law Courts, and urged that the matter should receive immediate attention.

THE PRESIDENT put the resolution adopting the Report to the meeting and it was passed.

Upon the motion of Sir George Roche the chair was taken by Mr. Keller, Vice-President, and

Sir George Roche moved, and Mr. P. J. Brady seconded a cordial vote of thanks to the President, which was passed with acclamation, and the President returned thanks.

#### The New President.

The Council have elected Mr. Arthur H. S. Orpen, B.A., LL.D., T.C.D., of the firm of Messrs. Orpen and Sweeny, of 33 Anglesea Street, Dublin, to be President of the Society for the ensuing twelve months. The newly-elected President served his apprenticeship with his father, Mr. Arthur H. Orpen, M.A., and was admitted in Hilary Sittings, 1898. In November, 1912, Mr. Orpen was first elected on the Council, and in 1915-16 he was a Vice-President of the Society. He served in France in the great war, and held the rank of Lieutenant in the Army Service Corps. He is a grandson of the late Sir Richard Orpen, who from 1860-76 was President of the Society, and he is brother of Mr. Charles St. G. Orpen, who was President of the Society in 1915-16.

#### Obituary.

MR. PATRICK J. BRODERICK, Solicitor, died upon the 2nd November, 1924, at Dublin.

Mr. Broderick was admitted in Easter Sittings, 1892, and practised at Castleisland up to the year 1905.

MR. CHARLES J. MCGAHON, Solicitor, died upon the 9th November, 1924, at Dublin.

Mr. McGahon served his apprenticeship with the late Mr. William R. Rogers, Dundalk, was admitted in Michaelmas Sittings, 1904, and practised at Dundalk, and recently at 35 Great Brunswick Street, Dublin.

MR. WILLIAM J. BYRNE, Solicitor, died upon the 19th November, 1924, at his residence, Clifton House, Monkstown, Co. Dublin.

Mr. Byrne served his apprenticeship with his father, the late Mr. Gerald Byrne, 7 Lower Ormond Quay, Dublin, was admitted in Trinity Sittings, 1909, and practised in partnership with Mr. E. H. Burne and Mr. G. A. C. Byrne, at 7 Lower Ormond Quay, Dublin.

#### New Members.

The following joined the Society during November:—

Kirwan, Laurence, Wexford.

Lavan, John A., Newcastle West.

Rice, Edmond A., Fermoy.

Verrington, Patrick F., Carrick-on-Suir.

#### Lectures, Hilary Sittings, 1925.

Lectures will be delivered at the Royal College of Surgeons, Stephen's Green, Dublin, at two o'clock, p.m., on the following dates:—

#### JUNIOR CLASS.

January 12, 15, 19, 22, 26, 29.

February 2, 5, 9, 12, 16, 19.

#### SENIOR CLASS.

January 13, 16, 20, 23, 27, 30.

February 3, 6, 10, 13, 17, 20.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 33 Molesworth Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVIII, No. 7.]

January, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

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January, 1925.

[ FOR CIRCULATION  
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### Meetings of the Council.

*3rd December.*

Thirty-one Members present.

#### Solicitors' Buildings.

The Secretary reported the receipt of compensation awarded in respect of the destruction of the contents of the Society's premises at the Four Courts, consisting of £2,000 cash, and £4,950 compensation stock.

#### Compensation Awards, Section 15.

The matter of the reduction by the Minister of Finance of amounts recommended by Circuit Court Judges under Section 15 of the Damages to Property (Compensation) Act, 1923, was referred to a Committee, and members were requested to send to the Secretary particulars of cases in which such reductions had been made.

#### Dublin Gazette.

A letter from a member was read drawing attention to the greatly increased charges for insertions of advertisements in the *Dublin Gazette*, and it was decided to make representations on the matter.

### Sheriffs' Fees.

A letter from the Minister of Justice was read enclosing draft scale of fees to be paid to Sheriffs on lodgment of decrees of District Courts for execution, and suggesting a conference between representatives of the Sheriffs, of the Mercantile Association, and of the Council of this Society to consider the draft scale. The Council appointed three members to attend the conference.

*10th December.*

Twenty-two Members present.

The Council elected Mr. Arthur H. S. Orpen to be President of the Society, and Mr. W. Gordon Bradley and Mr. Horace Turpin to be Vice-Presidents for the ensuing twelve months.

#### Extra-Ordinary Members.

The names of the following were submitted by the Incorporated Law Society of Northern Ireland:—Mr. S. Ross, Mr. S. G. Crymble, Mr. J. Allen, Mr. J. B. McCutcheon and Mr. J. McKee; and the names of the following were submitted by the Southern

Law Association: Mr. W. Murphy, Mr. A. Julian, Mr. C. J. Lane, Mr. P. J. Kavanagh and Mr. J. J. Horgan; the ten whose names were submitted as above were elected Extra-Ordinary Members of Council for year ending 26th November, 1925.

#### Sheriffs' Fees.

A report was submitted as a result of the conference on the matter of a schedule of fees to be paid to Sheriffs on lodgment of decrees of District Courts, at which a schedule had been agreed upon and had been forwarded to the Minister of Justice

17th December.

Twenty-five Members present.

#### Local Government Bill.

A letter in reply was read from the Secretary of the Minister for Local Government, stating that the Minister desired to state that on report stage in the Dáil an amendment had been inserted in the Local Government Bill providing that the expression "pensionable officer" shall include "any person duly appointed standing Solicitor of a local body before the passing of the Local Government (Ireland) Act, 1919," and that a further amendment would be introduced in the Senate making it clear that the word "officer" in Section 36 includes a person duly appointed standing Solicitor to a local body.

#### Statutory Committee.

A letter was read from the Chief Justice appointing the following members of the Council to be the Statutory Committee for the year ending 26th November, 1925:—Mr. MacDermott, Mr. Moore, Mr. Murphy, Mr. Orpen, Mr. Quirke, Mr. Seddall and Mr. Warren.

#### Committees.

The Council appointed Committees and Court of Examiners for the year.

#### Obituary.

MR. JAMES MURRAY, Solicitor, died in the month of December, 1924.

Mr. Murray served his apprenticeship with Mr. Jasper T. Wolfe, Skibbereen; was admitted in Trinity Sittings, 1914, and practised at Lismore.

MR. ALFRED NORMAN, Solicitor, died upon the 31st December, 1924, at his residence, 16 Ely Place, Dublin.

Mr. Norman was admitted in Hilary Sittings, 1891, and practised at 17 Ely Place, Dublin.

#### New Members.

The following joined the Society during December, 1924:—

Boyle, James, Stranorlar.  
Kennedy, Kenneth A., Tullamore.  
MacNeice, Herbert, 6 Dawson Street, Dublin.

#### Solicitors' Annual Certificates.

Members are reminded that their Annual Certificates for the year ending 5th January, 1926, should be taken out, and the duties paid thereon, before the 6th February, 1925.

The Certificates of Solicitors whose offices are situate in the Irish Free State are issued in the office of the Incorporated Law Society of Ireland, 33 Molesworth Street, Dublin, and the duty is payable at the Inland Revenue Offices, Dublin Castle.

The Certificates of Solicitors whose offices are situate in Northern Ireland are issued in the office of the Incorporated Law Society of Northern Ireland, 2 Rosemary Street, Belfast, and the duty is payable at the Inland Revenue Offices, Belfast.

#### The Society's Calendars and Annual Reports.

The Secretary would be grateful to members who might have copies of any of the following if they would present them to the Society:—

Calendars of the Society for the following years:—1887-1896 (inclusive), 1898-1901 (inclusive), and 1921.

Annual Reports of the Council of the Society for any years prior to 1877.

**New Solicitors.**

Admissions in the Irish Free State from  
May to December, 1924, inclusive:—

<i>Name</i>	<i>Served Apprenticeship to</i>
Brett, Robert Henry	W. J. Brett and C. J. Law, both of Dublin.
Browne, Dorothea Mary	J. Travers Wolfe, Skibbereen
Corr, Edmund Aloysius	P. T. J. Mulligan, Ballina
Halpenny, John	T. J. Dowdall, Mullingar
Healy, Cornelius	T. O'Shea, Killarney
Hopkins, Edward J. H.	J. J. O'Connor and M. J. O'Connor, both of Wexford.
Joyce, Charles James	T. J. Fullerton, Dublin
Joyce, Charles James Carncross	George M. Collins, Dublin
Kavanagh, Michael	M. J. O'Connor, Wexford
Kennedy, Kenneth A.	Sec. 29, Solicitors (Ireland) Act, 1898.
Kirwan, Lawrence	B. J. O'Flaherty, Enniscorthy
Love, Samuel	G. T. Harley, Downpatrick
McAuliffe, Stephen Mortimer.	W. H. Spence, Dublin

Neilan, Martin J.	M. J. Heverin, Roscommon
O'Flynn, Andrew J.	Patrick O'Flynn, Manorbhamilton
O'Grady, Patrick D.	Daniel O'Grady, Dublin
O'Regan, Redmond	C. T. Kennedy, Skibbereen
O'Reilly, Patrick F.	P. J. Brady, Dublin
Quinlan, Charles S.	P. R. Buggy, Waterford
Richards, Edward Taylor	H. C. Roper, Dublin
Ryan, William L.	J. F. D'Arcy, Tipperary
Wallace, Hu Robert	J. W. Richards, Dublin

**High Court Sittings.**

Hilary Sittings begin on 12th January and  
terminate on 2nd April.

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# THE GAZETTE

OF

**Incorporated Law Society of Ireland.**

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# THE GAZETTE

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### Council Meetings.

14th January.

Sixteen Members present.

#### Publication of Statutes.

It was resolved that representations be made urging the immediate publication in annual volumes of uniform size of the Statutes of the Oireachtas.

#### Land Commission.

The procedure in reference to the obtaining of consents of the Land Commission to the sub-division of holdings subject to Land Commission annuities, was referred to the Land Acts Committee.

28th January.

Twenty-one Members present.

#### Publication of Statutes.

A letter in reply was read from the Secretary of the Ministry of Justice stating the matter of the publication in annual volumes of the Statutes of the Oireachtas is in the hands of the Attorney-General, who is now causing the preparation of the volumes to proceed with all possible speed; that the volume for 1923 is expected to become available at a very early date, and the others to follow with as little delay as possible.

#### Private Bills.

A letter was read from the Examiner of Private Bills stating that the Chairman of the Joint Committee on Standing Orders (Private Business) proposes to appoint a

Committee of five members to draw up a list of charges for "Parliamentary Agents, Attorneys, Solicitors, and others," in connection with Private Bill practice, and requesting that a representative of this Society be nominated to act on the Committee. The Council nominated Sir John O'Connell to act on the Committee.

#### Roll of Solicitors.

The Secretary reported that, pursuant to an Order made by the Chief Justice, on the hearing of a report from the Statutory Committee, the name of Christopher Friery, of 52 Rutland Square, Dublin, had been struck off the Roll of Solicitors.

#### Land Commission.

A report from the Land Acts Committee in reference to the obtaining of consents of the Land Commission to the sub-division of holdings subject to Land Commission Annuities was submitted, and, as recommended by the report, it was ordered that a letter be written to the Land Commission with a view to securing greater expedition in the disposing of such applications.

#### Obituary.

MR. JOHN D. COATES, senior, Solicitor, died on the 8th January, 1925, at his residence, Mervue, Donaghadee.

Mr. Coates served his apprenticeship with his father, the late Mr. John Coates, Belfast; was admitted in Trinity Sittings, 1879, and practised at Arthur Square, Belfast.

Mr. Coates was an Extra-ordinary Member of the Council from 1905 to 1919.

MR. JAMES ROSE BYRNE, Solicitor, died upon 15th January, 1925, at 21 Clare Street, Dublin.

Mr. Byrne was admitted in Trinity Term, 1866, and practised at 21 Clare Street, Dublin.

MR. MICHAEL J. O'MEARA, Solicitor, died upon the 22nd January, 1925, at his residence, Drumbawn, Birr.

Mr. O'Meara served his apprenticeship with Sir George Roche, Dublin; was admitted in Trinity Sittings, 1899, and practised at Birr.

MR. JAMES W. BLAKE, Solicitor, died upon the 28th January, 1925, at his residence, Revagh, Salthill, Galway.

Mr. Blake served his apprenticeship with the late Sir William Findlater, Dublin; was admitted in Hilary Term, 1864, and practised in partnership with the late Mr. Thomas H. Kenny, under the style of Blake & Kenny, at Galway.

He was Crown Solicitor for the County of Galway from 1890 to 1923.

#### New Members.

The following joined the Society during January:—

Brown, Ronald H., 23 Anglesea Street, Dublin.

Early, Helena M., 16 Henry Street, Dublin.

#### Civil Bill Appeals.

The Commissioners appointed under the County Courts Appeals Act, 1924, will sit to hear Civil Bill Appeals upon the following dates:—

*Leinster Circuit*—Mr. Pigot, K.C. Commissioner.

Tipperary, N.R.—5th February.

Tipperary, S.R.—12th February.

Waterford—23rd February.

Kilkenny—3rd March.

Carlow—9th March.

Wicklow—16th March.

Wexford—23rd March.

Naas, 30th March.

Maryborough, 2nd April.

*Connaught Circuit*.—Mr. E. A. Swayne, K.C. Commissioner:—

Tullamore, 5th February.

Carrick-on-Shannon, 12th February.

Sligo, 23rd February.

Castlebar, 4th March.

Roscommon, 30th March.

Galway, 15th April.

*Midland Circuit*.—Mr. M. J. Kenny, K.C. Commissioner:—

Mullingar, 5th February.

Trim, 10th February.

Dundalk, 17th February.

Monaghan, 3rd March.

Longford, 19th March.

Cavan, 2nd April.

Lifford, 28th April.

*Munster Circuit*.—Mr. R. J. Doyle, K.C. Commissioner:—

Cork, 5th February.

Ennis, 23rd February.

Limerick, 9th March.

Tralee, 24th March.

In a letter from the Department of Justice, dated 5th February, in reply to an enquiry from the Society as to the right of audience of Solicitors on the hearing of appeals before the Commissioners, it is stated that the Minister had been advised "that the proceedings before the Commissioners under the County Court Appeals Act, 1924, will be conducted in exactly the same manner as the appeals before the Judges of Assize formerly. It will be noted, in fact, that the powers, jurisdictions and privileges of a Judge of Assize have been by Section 1, Sub-Section (2) of the Act transferred to the Commissioners of Appeal. Solicitors, therefore, will have such right of audience as they would have had in former times before the Judges of Assize."

#### Northern Ireland Assizes.—Circuit Dates.

The Circuit will go out on Wednesday 4th March, 1925, and Assizes will be held for the following Counties:—

County of Antrim.—Belfast, Wednesday, March 4th, at 12 noon.

County of Down.—Downpatrick, Friday, March 6th, at 12.30 p.m.

County of Armagh.—Armagh, Wednesday, March 11th, at 1 p.m.

County of Fermanagh.—Enniskillen, Monday, March 16th, at 11.30 a.m.



County of Tyrone.—Omagh, Wednesday, March 18th, at 11 a.m.

County of Londonderry.—Derry, Monday, March 23rd, at 11.30 a.m.

County of the City of Londonderry.—Derry, Wednesday, March 25th, at 10.30 a.m.

*Judges.*—The Right Honourable the Lord Chief Justice, the Right Honourable Mr. Justice Brown.

*Registrars.*—To the Lord Chief Justice—A. P. Henry, Esq., Barrister-at-Law, Law Courts, Belfast; to Mr. Justice Brown—J. J. Brown, Esq., J.P., Law Courts, Belfast.

### Appeals from Circuit Courts.

The attention of the Council has been drawn to a circular issued to Clerks of the Peace prescribing the procedure in reference to appeals from the Circuit Courts and the notices which an appellant's Solicitor would be required to lodge, serve, and file respectively. The Council have had a communication made to the Ministry of Justice in reference to this circular, and a reply has been received from the Ministry dated 30th January, 1925, stating that the circular to which the Council objected would be withdrawn forthwith. The Ministry further stated that the procedure to be adopted would, pending the making of the rules, be that formerly in use for appealing from the Recorder or County Court, that it would be necessary for the appellant's Solicitor to make formal requisition to the Clerk of the Peace for a transcript of the shorthand-writer's notes, and that it would be convenient, but not compulsory, that Solicitors should specify in their notice of appeal as to whether they are appealing on law or facts, or both law and facts.

### Land Purchase Proceedings.

Mr. Justice Wylie has called the attention of the Council to the large amount of advances made by the Land Commission which stand to the credit of estates and remain unallocated. These advances amounted on the 19th January, 1925, to £667,498, and a considerable portion of this sum has been advanced and has remained unallocated for some years past. Mr. Justice Wylie has received complaints from Vendors and other persons interested in the proceeds of sales of the great delay which has occurred in many

cases in the allocating of the purchase monies advanced by the Land Commission, and he has requested the Council to urge the members of the profession who are Solicitors on record for Vendors of estates in which monies stand to credit unallocated to use all possible expedition in having the funds to credit allocated.

### Library.

The Council acknowledge with thanks the following gifts to the Society's Library in response to the request contained in the Society's *Gazette* for January:—

Mr. S. J. Brown—The Society's Calendars, 1887, 1894 and 1899.

Mr. C. W. Battley—The Society's Calendar, 1888.

Mr. W. J. Hunter—The Society's Calendars, 1900 and 1901.

Mr. E. R. McC. Dix—The Society's Calendar, 1921.

Mr. G. Birney—The Society's Calendar, 1921.

Mr. C. Baillie-Gage—The Society's Calendar, 1921.

Mr. H. G. Cooper—The Annual Reports of the Council, 1841-1876, bound in two volumes.

And the Council also thank Mr. M. J. Byrne for Vols. 1-13, Irish Law Reports.

The Council would be grateful for copies of the Society's Calendar for the following years:—1889, 1890, 1892, 1893, 1894, 1895 and 1898.

### April Examinations, 1925.

The Final Examination will be held on 1st, 2nd and 3rd days of April, at the Royal College of Surgeons, Saint Stephen's Green, Dublin, at 10 o'clock a.m. each day. Notices of intention to attend should be lodged in the Secretary's Office, 33 Molesworth Street, Dublin, before 18th March.

The Preliminary Examination will be held on 6th and 7th days of April, at the Royal College of Surgeons, Saint Stephen's Green, Dublin, at 10 o'clock a.m. each day. Notices of intention to attend should be lodged in the Secretary's Office, 33 Molesworth Street, Dublin, before 21st March.

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# THE GAZETTE

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# THE GAZETTE

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## Incorporated Law Society of Ireland.

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March, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Meetings of the Council.

*11th February.*

Twenty-four Members present.

#### **The late Sir George Fottrell, K.C.B.**

The Council passed a resolution expressing their regret at the death of Sir George Fottrell, and their sympathy with Lady Fottrell and members of his family in their bereavement.

#### **Land Commission.**

A letter was read from the Secretary of the Land Commission acknowledging letter on the subject of delays in obtaining consents of the Land Commission to sub-divisions of holdings the subject of land purchase annuities, and stating the matter would receive attention.

#### **Adjudication of Stamp Duties.**

It was resolved that the Inland Revenue authorities be requested to restore the practice of allowing the adjudication of stamp duties to be carried on through the post.

### Court of Examiners.

A report from the Court of Examiners on two applications for leave to be bound under Section 16, was read. The Council granted one, and refused the other.

*25th February.*

Twenty-four Members present.

#### **The Late Lady O'Connell.**

The Council passed a resolution expressing their regret at the death of Lady O'Connell, and their sympathy with their colleague, Sir John O'Connell, in his bereavement.

#### **Local Government Bill, 1924.**

The Council considered the amendment made on Report Stage of the Bill in the Senate, striking out of the Bill the clause preserving the existing rights of Solicitors to local authorities under Section 8 of the Local Government (Ireland) Act, 1919, which section is repealed by the Bill.

The Council passed a resolution urging the Minister to move in the Dail the re-instatement of the clause, and it was decided to send a deputation to the Minister to submit the resolution and reasons in support of it.



**Obituary.**

SIR GEORGE FOTTRELL, K.C.B., Solicitor, died upon the 1st February, 1925, at his residence, 8 North Great George's Street, Dublin.

Sir George served his apprenticeship with his father, the late Mr. George Drevar Fottrell, 46 Fleet Street, Dublin; was admitted in Easter Term, 1871, and practised at 46 Fleet Street, Dublin, up to 1895.

He was a member of the Council from 1885 to 1895, and was a Vice-President of the Society in the year 1892-93.

In 1885 he was appointed to the office of Clerk of the Crown for the County and City of Dublin, and in 1895 to the joint office of Clerk of Crown and Peace, which office he held up to the time of his death.

MR. MICHAEL J. O'SULLIVAN, Solicitor, died upon the 2nd February, 1925, at his residence, Railway Street, Cahirciveen.

Mr. O'Sullivan served his apprenticeship with the late Mr. James Flynn, Bantry; was admitted in Hilary Sittings, 1906, and practised at Cahirciveen.

**Appointments.**

Mr. James O'Connor, Solicitor, of 1 Dame Street, Dublin, has been appointed to perform the duties of Clerk of the Crown and Peace for the County and County Borough of Dublin, the appointment being made in pursuance of the provisions of the Court Officers (Temporary Appointments) Act, 1924.

Mr. John C. J. Murphy, Solicitor, has been appointed Under-Sheriff for County Kilkenny, and he has appointed Mr. Charles Corcoran, Solicitor, of 7 College Street, Dublin, to be his Returning Officer.

Mr. George H. Pollock, Solicitor, of 35 Royal Avenue, Belfast, has been appointed Secretary of the Incorporated Law Society of Northern Ireland.

Mr. Thomas Early, Solicitor, 16 Henry Street, Dublin, has been appointed Solicitor to the Attorney-General of the Irish Free State.

**Notaries Public.**

The following have been appointed to be Notaries Public:—

MacNeice, Richard W., Solicitor, 12 Westmoreland Street, Dublin.

McLoughlin, James H., Solicitor, 18 College Green, Dublin.

O'Hanlon, Henry B., Solicitor, 58 Dame Street, Dublin.

Pearl, John R., Solicitor, 55 Dawson Street, Dublin.

Tierney, Martin, Solicitor, Cavan.

**Commissioners to Administer Oaths.**

The following have been appointed Commissioners to administer Oaths:—

Franks, Thomas W., Solicitor, 17 Ely Place, Dublin.

Jameson, Leopold J., Solicitor, 16 Lower Sackville Street, Dublin.

Joy, Robert C., Solicitor, Bank of Ireland, College Green, Dublin.

Pilkington, Francis C., Solicitor, 13 Hume Street, Dublin.

Ambrose, Joseph, District Court Clerk, Bagenalstown.

Dempsey, Vincent G., District Court Clerk, Drogheda.

Donnelly, Patrick J., District Court Clerk, Gort.

O'Broin, Sean, District Court Clerk, Bagenalstown.

**High Court Sittings, 1925.**

Under the existing rules, Hilary Sittings terminate on Thursday, 2nd April, and Easter Sittings commence on Thursday, 16th April, terminating on Wednesday, 20th May.

**Circuit Court Appeals.**

It is desirable that Solicitors concerned in Appeals from Circuit Courts should request their Dublin agents to give them early intimation of the date named in the Legal Diary for the hearing of the Appeals in which they may be concerned.

After the present Sittings the next hearing of Appeals from Circuit Courts will be in the month of July.

**Society's Calendar, 1925.**

The Society's Calendar and Law Directory for 1925 can be obtained at the Secretary's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

**Solicitors' Businesses.**

The Secretary requests members to send him notice of the acquiring of deceased Solicitors' businesses, or the taking over of the businesses of retired Solicitors, for the purpose of having the succession recorded in the Secretary's office.

**Library.**

The following books have been purchased for the Society's Library:—

English Law Reports, 1865-1924.  
 Weekly Notes, 1865-1924.  
 Irish Reports, 1865-1924.  
 Dublin Directories, 1772-1925.  
 Annual Practice, 1925.

The Council acknowledges with thanks the following gifts to the Society's Library:—

Mr. E. H. Burne—The Society's Calendars, 1907, 1909, 1912, 1915, 1917, 1919 and 1920.

Messrs. Hayes & Sons—The Society's Calendars, 1901, 1910, 1914, 1915 and 1920.

Mr. S. R. C. Hemphill—The Society's Calendars, 1889, 1890, 1893, 1894 and 1898.

Mr. G. M. Meares—The Society's Calendars, 1899 and 1911.

Mr. D. J. Reilly—Encyclopædia of the Laws of England, 13 Vols.

Mr. T. A. Ireland—Irish Law Times, Vol. 41.

Mr. H. Toomey—The Society's Calendar, 1898.

**Lectures.**

Easter Sittings Junior Class Lectures begin on Thursday, 16th April.

Easter Sittings Senior Class Lectures begin on Friday, 17th April.

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# THE GAZETTE

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

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April, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Council Meetings.

11th March.

Twenty-five Members present.

### Land Commission.

A deputation was appointed to interview Mr. Justice Wylie in reference to procedure under the Land Act, 1923.

### Examinations.

A report from the Court of Examiners in reference to subjects for Examinations in 1926 was dealt with.

25th March.

Nineteen Members present.

### Affidavits in District Courts.

The question of the persons before whom affidavits for use in District Courts may be sworn in Northern Ireland and out of Ireland, was referred for consideration to the Circuit and District Courts Committee.

### Preliminary Examination.

The Council appointed Mr. William E. O'Reilly, Solicitor, to examine in Irish at the Preliminary Examination.

### Adjournment.

The Council adjourned until Wednesday, 22nd April.

### Obituary.

MR. EDWARD J. SMYTH, Solicitor, died upon the 8th March, 1925, at The Farm, Monkstown, County Dublin.

Mr. Smyth was admitted in Easter Term, 1868, and practised at 2 Clare Street up to 1881, when he retired.

MR. JAMES WHITESIDE DANE, D.L., Solicitor, died upon the 9th March, 1925, at Colwyn Bay.

Mr. Dane was admitted in Trinity Sittings, 1878, and practised at Enniskillen up to 1889, when he was appointed Clerk of the Crown and Peace for County Kildare, from which office he retired in 1921.

MR. HENRY A. MACAULAY, Solicitor, died upon the 10th March, 1925, at his residence, Strandmore, Portrush.

Mr. Macaulay was admitted in Trinity Term, 1870, and practised at Coleraine.

MR. WILLIAM GRAHAM, Solicitor, died upon the 15th March, 1925.

Mr. Graham was admitted in Hilary Sittings, 1883, and practised at Lombard Street, Belfast.

MR. JAMES ROCHE, R.M., Solicitor, died upon 18th March, 1925, at his residence, "Ben Vista," Antrim Road, Belfast.

Mr. Roche served his apprenticeship with the late Mr. Francis J. O'Connor, Solicitor, Omagh; was admitted in Trinity Sittings, 1903, and practised at Omagh up to 1910, when he was appointed Resident Magistrate.

#### Local Government Act, 1925.

The Local Government Bill, originally introduced in the month of May, 1924, became law last month. The Bill, as introduced, provided for the repeal of Section 8 of the Local Government (Ireland) Act, 1919, under which any person duly appointed standing Solicitor to a local authority before the passing of the Act was to be deemed to be a pensionable officer of the local authority, notwithstanding that his whole time had not been devoted to the duties of his office. The Bill contained new provisions for pensionable officers of local authorities, but did not include the Solicitors of such authorities in the definitions it contained of "pensionable officers." The Council sent a deputation to the Minister of Local Government to urge upon him the injustice which would be done to Solicitors of local bodies in being deprived of their pensionable rights conferred by the Act of 1919, with the result that he promised that their rights should be preserved under the Bill, and after considerable correspondence a clause was inserted in the Bill on report stage in the Dail, on the motion of the Minister, extending the definition of "pensionable officer" contained in the Bill so as to include "any person duly appointed standing Solicitor of a local body before the passing of the Local Government (Ireland) Act, 1919." When the Bill was before the Senate, on report stage, an amendment was proposed, and carried by a small

majority, to omit this clause which protected the rights of Solicitors to local bodies. The Council passed a strong resolution of protest against this action on the part of the Senate, and a deputation from the Council interviewed the legal representative of the Local Government Board, on behalf of the Minister, and submitted the resolution, which he undertook to lay before the Minister. When the Bill was returned to the Dail, on the motion of the Minister, the Dail disagreed with the action of the Senate, and the clause was reinserted, and subsequently the Senate accepted the Bill containing the clause. The Act is now in operation, and the Council would suggest to Solicitors for local bodies that they should study the provisions of Part IV. of the Act, which deals with superannuation, and contains provisions in substitution for those contained in Section 8 of the Act of 1919, which is repealed by the Act. Copies of the Act can be obtained from Messrs. Eason and Son, 40 Lower Sackville Street, Dublin; price, by post, three shillings and three halfpence.

#### Society's Calendar, 1925.

The Society's Calendar and Law Directory for 1925 can be obtained at the Secretary's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

#### Library.

The Council acknowledge with thanks the following gifts to the Society's Library:—

Mr. F. E. Bermingham—Report of Council; Appointments to Legal Offices, 1914.

Mr. J. Cusack—Irish Law Times, 1870 and 1871 and 1888-1905.

Mr. F. V. Gordon—Townland Index, 1871.

Mr. T. A. Ireland—Irish Law Directory, 1846, and Irish Law Times, 1905 and 1906.

Mr. F. S. de Vere White—Report of Council, 1860.

Messrs. White & White—Society's Calendars, 1887, 1891, 1896 and 1900.

**Easter and Trinity Sittings Lectures, 1925.**

The Junior Class Lectures will begin on Thursday, 16th April.

The Senior Class Lectures will begin on Friday, 17th April.

The Junior Class will adjourn after the Lecture on the 18th May, and resume on 4th June; and the Senior Class will adjourn after the Lecture on (Wednesday) 20th May, and resume on 5th June.

**Irish Free State Acts, 1925.**

The following Acts have received the King's Assent during the present year:—

1. Dublin Port and Docks.
2. Medical.
3. Live Stock Breeding.

4. Defence Forces (Temporary Provisions).
5. Local Government.
6. Central Fund.
7. Police Forces Amalgamation,
8. Summer Time.
9. Dáil Eireann Courts (Winding Up).
10. Firearms (Temporary Provisions) (Continuance).
11. Prisons (Visiting Committees).

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 33 Molesworth Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XIX, No. 1.]

May, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XIX., No. 1.]

May, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Council Meeting.

22nd April.

Sixteen Members present.

#### Dublin District Courts.

The question of increased facilities for the hearing of Civil cases in the Dublin City District Courts was considered, and it was decided to make representations in reference thereto.

#### Railway Tribunal Rules.

A letter was read from the Registrar of the Railway Tribunal acknowledging the receipt of the suggestions received from the Council in reference to the draft rules of the Tribunal which had been sent to the Council for consideration.

### Annual Subscriptions.

Members are reminded that their Annual Subscriptions to the Society became due on the first day of May, as follows:—

Town Members, and Country Members, of more than three years standing, entitled to vote at election of Ordinary Members of the Council. . . . . £1 0 0

Other Country Members . . . . . 0 10 0

Members who have been admitted to the profession under three years 0 10 0

Subscriptions should be remitted to the Secretary, or paid at his office, 33 Molesworth Street, Dublin.

### General Meeting.

The Half-yearly General Meeting of the Society will be held in the Molesworth Hall, Molesworth Street, Dublin, at 2 o'clock p.m., on Monday, 18th May, 1925, at which auditors of the Society's Accounts for year ending 30th April, 1925, will be elected, and scrutineers of Ballot for Election of Council to be held on 23rd November, 1925, will be nominated.

### Obituary.

MR. JOHN M. McDOWELL, Solicitor, died upon the 19th April, 1925, in London.

Mr. McDowell served his apprenticeship with the late Mr. J. J. O'Meara, 211 Great Brunswick Street, Dublin; was admitted in Hilary Sittings 1896, and practised at 3 College Green, Dublin.

MR. DANIEL S. DOYLE, Solicitor, died upon the 23rd April, 1925, at his residence, 5 Wilton Terrace, Dublin.

Mr. Doyle was admitted in Michaelmas Sittings, 1889, and practised at 1 Capel Street, Dublin, up to 1909, in which year he was appointed Assistant Registrar General and Secretary of the General Register and Census Offices.

MR. EDWARD M. F. BOYLE, Solicitor, died upon the 30th April, 1925, at his residence, Gurteen, Limavady.

Mr. Boyle served his apprenticeship with the late Mr. Benjamin H. Lane, Limavady; was admitted in Trinity Sittings, 1895, and practised in partnership with Mr. William A. Lane, under the style of Lane & Boyle, at Limavady.

#### New Members.

The following have joined the Society:—

Glass, Charles M., 33 Anglesea Street, Dublin.

MacMahon, Charles G., Dundalk.

McAuliffe, Stephen M., 11 Westmoreland Street, Dublin.

Murphy, William, 44 South Mall, Cork.

Russell, Charles M., Dundalk.

#### Solicitors' Room at Law Courts.

As a result of repeated representations on the part of the Council, a waiting-room has now been provided at the Law Courts, Dublin Castle, exclusively for the use of members of the Solicitors' profession. The room is situate next door to Court Number 6, which Court has been recently brought into use.

#### Society's Calendar, 1925.

The Society's Calendar and Law Directory for 1925, can be obtained at the Secretary's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

#### Results of Examinations.

At the Preliminary Examination held on 6th and 7th days of April, the following passed the Examination, and their names are arranged in order of merit:—

1. Patrick J. Kiely.
2. Francis J. O'Neill.
3. William J. Kavanagh.
4. Laurence J. McFadden.
5. Patrick J. Dúrcán.
6. Robert F. Coonan.
7. Francis J. Farrell.
8. John F. Foley  
Robert G. M. Saunders } equal.
10. Henry C. Woodcock.
11. Manus R. Regan.
12. Patrick O'Donnell.
13. Thomas P. Walsh.
14. James J. O'Connor.
15. Patrick J. McCrann.

Charles Louth passed the modified Preliminary Examination for which he had liberty to present himself.

Eighteen candidates attended: sixteen passed; two were postponed.

At the Final Examination held on 1st, 2nd and 3rd days of April, the following passed the Examination, and their names are arranged in order of merit:—

1. James A. Ennis, B.A., N.U.I.
2. James A. Power.
3. Michael J. Allen  
John W. Davidson } equal.
5. George W. Knight.
6. Thomas Teevan.
7. James P. Kennedy.
8. Allen G. Mullen.
9. Denis J. Bergin.
10. Gerald L. Shelley.
11. William J. Craig.
12. Peter Hutton.
13. Harold H. Maxwell, B.A., Oxon.
14. Archibald Robinson.

Twenty-five candidates attended: fourteen passed; eleven were postponed.



**Irish Solicitors' Golfing Society.**

The annual competition will be held at Dollymount, on Tuesday, 26th May.

The competition will be by strokes; members to play on their lowest club handicap. First draw, 10 a.m. In the afternoon, foursome sweepstakes; members to select partners and opponents.

The annual general meeting will be held in the Clubhouse, at 6.30 p.m., for election of officers; nominations should be sent to Mr. Horan, Hon. Sec., 7 Winton Road, Dublin, ten days before 26th May.

A dinner will be held in the Clubhouse in the evening.

**Library.**

The Council acknowledge with thanks the following gift to the Society's Library:—

Mr. Charles J. Lane.—Irish Equity Reports, Vols. I.-XI.; Irish Law Reports, Vols. I.-XI.; and Statutes of 1831, 1832, 1836-1865, and 1867-1883.

The Council would be grateful for copies of the Society's Calendar for the following years:—1888-1893 inclusive, and 1895, 1897, 1902, 1903, 1904 and 1905.

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# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XIX, No. 2.]

June, 1925.

[ FOR CIRCULATION  
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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XIX., No. 2]

June, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society was held on Monday, the 18th May, in the Molesworth Hall, Dublin, Mr. Arthur H. S. Orpen, President, occupied the chair.

The following members were present:—

Mr. W. G. Bradley (Vice-President), Sir John R. O'Connell; Messrs. E. H. Burne, M. J. Byrne, J. J. Lynch, J. Moore, D. O'Connell, T. G. Quirke, P. M. Seales, W. V. Seddall, R. G. Warren, R. Blair White, C. St. G. Orpen, P. J. Brady, E. N. Edwards, J. W. Dyas, F. D. Darley, A. D. Orr, W. T. Sheridan, C. G. Thompson, W. H. Fry, F. V. Gordon, G. M. Porter, E. Condell, W. J. Keery, E. R. McC. Dix, C. J. Joyce, C. J. Law, S. M. Bell, P. Kenney, J. D. Hollinger, and D. Gilmore.

The Secretary read the notice convening the meeting, and also the Minutes of the Half-yearly General Meeting held in November last, which latter were confirmed and signed.

On the motion of Mr. W. Gordon Bradley, Vice-President, seconded by Mr. Daniel O'Connell, Messrs. W. W. Carruthers, D. B. Dunne, and T. A. Ireland were appointed Auditors of the Society's accounts for the year ending 30th April, 1925.

The President nominated Messrs. E. F. Collins, Michael Dawson, Raymond French, F. G. Sharpe, and Nathaniel Taylor, to be Scrutineers for the Council election ballot, to be held on 23rd November next.

THE PRESIDENT, addressing the meeting, said:—The formal business for which, under our Bye-laws, this meeting has been summoned, having been disposed of, I desire to address to you a few words in relation to professional matters which have occurred since we met last November. I wish to refer to the losses sustained by the profession by deaths of members during the last six months; many of those who died were well known to us personally, and we feel that their deaths will leave gaps in our ranks which will be hard to fill. Sir George Fottrell, K.C.B., who was Clerk of the Crown for the County of the City of Dublin for a period of forty years, and who, some years after his appointment to that office, was appointed to the joint office of Clerk of the Crown and Peace, was a perfect master of his art, and always rendered great assistance to members of the Solicitors' profession. Amongst other names are those of Mr. James W. Blake (Galway), Mr. Whiteside Dane, D.L., Clerk of Crown and Peace for County Kildare from 1889 to 1921; Mr. James Murray (Lismore), Mr. Alfred Norman, Mr. John D. Coates, Mr. James Rose Byrne, Mr. Michael J. O'Meara (Birr), Mr. Henry A. Macaulay (Coleraine), Mr. Cyril F. McCay (Cavan), Mr. W. Graham, Mr. J. M. McDowell, Mr. D. S. Doyle, Mr. E. M. F. Boyle, and Mr. John A. Long.

With reference to the Solicitors' Buildings, the Government have apparently not made up their minds as to whether or not the



Four Courts shall be rebuilt to be used as Courts of Justice, and until this question is definitely decided, it is impossible for the Incorporated Law Society to have any permanent home, as the Council feel that, if the Four Courts be rebuilt as Courts, the Society's Buildings at the Four Courts should also be rebuilt. After long negotiations, correspondence and interviews with the Minister of Finance and with the Chairman and representatives of the Board of Works, we hope that a private residence, situate close to where we now are, will be in the very near future placed at our disposal for our temporary occupation pending a decision on the question of the rebuilding of the Four Courts. The house contains extensive accommodation which will enable us to carry on most of our work in a more satisfactory manner than hitherto. The house has been inspected by a Committee of the Council, and when certain repairs have been done and fittings put in, we hope to move into our new temporary quarters.

In reference to this, I may say that we have acquired, both by donation and purchase, a very considerable library of new books. We have purchased the Law Reports belonging to Mr. Justice Pim, lately Judge of the King's Bench Division. We shall now be able to have the use of these books, as up to the present we had no sufficient accommodation for them.

A new room for the exclusive use of Solicitors has been provided in the Castle, near Court No. 6, and we believe that this room will be of great use to members of the profession.

During the last six months the rights to pensions or compensation for loss of office, of Solicitors to those Urban or Rural District Councils which it is proposed by the Local Government Bill, now the Local Government Act, 1925, to abolish, have been safeguarded, and they remain as they were under the previous Act of 1919.

The Council desire to acknowledge the help given to them in this matter; and amongst others by Captain W. A. Redmond, T.D., and Senator S. L. Brown, K.C., and I would wish to say that our Secretary followed up this matter with the greatest skill and tenacity in the face of opposition and discouragement.

Now, in reference to the Rules of the High Court. The Rule-making Authority has had numerous meetings, and the Rules are now in print and probably have been already furnished to the Minister of Justice. At one of the last of the meetings the Chief Justice asked me to prepare a Schedule of Costs for the work to be done under the new Rules, and this I agreed to do, feeling that with expert advice this Council could produce a reasonable and satisfactory Schedule. A Sub-Committee of the Council, consisting of Mr. Seales, Dr. Quirke and Mr. Moore, are all engaged in this work, and I think special thanks are due to Mr. Seales, who undertook the main responsibility in this matter. The Rules, as a whole, are not such as I would consider satisfactory, but I think I am justified in saying that they are tentative, and it may be found necessary hereafter to modify them.

In connection with the Land Act of 1923, under which Act allocations are now taking place, I would wish to remind the profession that it is necessary both in their own interests and in the interests of their clients that they should keep full entries for the purpose of enabling the clients to establish a claim for assistance out of the costs fund.

The question of costs under the 1923 Act has engaged the serious attention of the Council, and for the present I do not think it necessary to say anything more about the matter.

Rules both for the Circuit Court and the District Court are in draft, and are receiving the consideration of the respective Committees appointed to prepare them.

In conclusion, I wish to tender our heartiest thanks to the President and Council of the Royal College of Surgeons for their continued kindness to our Society in permitting us to use their premises for lectures and examinations.

#### Council Meetings.

6th May.

Seventeen Members present.

#### Court of Examiners.

A report was submitted upon two applications under Section 16; one was granted, the other was refused.

**Costs Committee.**

A report upon a query was submitted, the query being as to the scale under which the costs of leases of nine dwellinghouses should be drawn, the leases being each for 999 years, and the rents being standard rents fixed on agreement by the Judge of the late County Court. The Committee expressed the opinion that the costs should be drawn under the scale applicable to leases at rack-rent. The report was adopted.

20th May.

Twenty-one Members present.

**Certificates of Redemption Values.**

A letter was read from a member in reference to the desirability of the Land Commission expediting the furnishing of redemption value certificates, and a reply was directed that the marking of envelopes containing applications for such certificates as for the Collection Department of the Land Commission, would help towards expediting a reply.

**High Court Orders.**

A letter was read in reply from Mr. G. Horan, K.C., stating that by reason of the supply of stationery having run out, copies of High Court Orders had been issued on single sheets, but that a supply having been received, the double sheets are now in use again.

**Obituary.**

MR. CYRIL F. McCAY, Solicitor, died upon the 10th May, 1925.

Mr. McCay served his apprenticeship with Mr. Samuel Jones, Cavan; was admitted in Hilary Sittings, 1918, and practised at Cavan.

MR. JOHN A. LONG, Solicitor, died upon the 13th May, 1925.

Mr. Long served his apprenticeship with the late Mr. Patrick Maxwell, Londonderry; was admitted in Trinity Sittings, 1901, and practised at 74 Dame Street, Dublin.

**New Members.**

The following have joined the Society:—

Fottrell, Henry B., 11 Anglesea Street, Dublin.

Knight, George W., Clones.

**Centenary of the Law Society of England.**

The following telegrams have passed in reference to the above:—

1.

“3rd June, 1925.

“Cook, Secretary, Law Society, Chancery Lane, London, W.C.

The President and Council of the Incorporated Law Society of Ireland tender to the President and Council of the Law Society of England hearty congratulations and best wishes on the attainment by the Law Society of its centenary.—Wakely, Secretary, 33 Molesworth Street, Dublin.”

2.

“4th June, 1925.

“Wakely, Secretary, Incorporated Law Society of Ireland, 33 Molesworth Street, Dublin.

“The President and Council of the Law Society thank very cordially the President and Council of the Incorporated Law Society of Ireland for their kind congratulations, which are greatly appreciated.—Cook.”

**Library.**

The Council acknowledge with thanks the following gifts to the Society's Library:—

Mr. Robert Grove-White, B.L., Examiner, Irish Land Commission.—A complete set of the Revised Reports (152 vols.), 1705-1865.

Mr. M. J. Byrne.—Society's Calendars for 1897, 1902 and 1904.

Messrs. Franks and Oulton.—Society's Calendars for 1886 and 1904.

Messrs. French and French.—Final Report, Financial Relations between Great Britain and Ireland, 1896; Report, Viceregal Commission on Poor Law Reform, Vol. I., 1906; Report, Trusts Administration, 1895; Report, Estates Commissioners, 1906;



Report, Procedure under Land Acts and Land Purchase Acts, 1898; Reports of Proceedings, Land Acts.

Messrs. Hunter and Burland.—Society's Calendars, 1895, 1904 and 1905.

Messrs. Martley and Barlee.—Society's Calendars, 1902, 1903 and 1905.

Mr. H. P. Mayne.—Micks' History of Congested Districts Board.

#### Irish Solicitors' Golfing Society.

The annual competition was held at Dollymount on the 26th May. Over fifty members competed for the Challenge Cup, the result being: Gerald A. G. Byrne 92, 16, 76, winner; Henry G. Morris, 89, 12, 77, runner-up.

The prize for the best gross score was won by Desmond J. Collins, 82.

In the afternoon Foursome Sweepstakes were played; Messrs. Charles O'Brien and John W. T. Callan being first, and Messrs. R. G. Warren and Basil Thompson tying with Messrs. Bartholomew Collins and M. A. Smyth for second.

In the evening the annual general meeting of the Society was held, Mr. A. H. S. Orpen, President of the Incorporated Law Society of Ireland in the chair. The following were elected officers for the ensuing year:—

**PRESIDENT.**—The President of the Incorporated Law Society of Ireland.

**CAPTAIN.**—Patrick J. Tallan.

**HON. SECRETARY.**—Hugh Horan.

**COMMITTEE.**—Messrs. James Moore, R. G. Warren, Basil Thompson, J. T. Hamerton, and Peter Seales.

#### Law Courts.

At the Law Courts, Dublin Castle, there is a room for the use of members of the Solicitors' profession next to Court No 6. There is a room for the use of Solicitors' assistants next to Court No. 5.

#### Intermediate Examination.

The Intermediate Examination will be held in the Royal College of Surgeons, Saint Stephen's Green, on Thursday, 2nd July, at 10 o'clock, a.m.

Candidates should lodge notice of intention to attend the Examination in the Secretary's Office, 33 Molesworth Street, before 23rd June.

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# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XIX, No. 3.]

July, 1925.

[ FOR CIRCULATION  
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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XIX., No. 3 ]

July, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Council Meetings.

3rd June.

Eighteen Members present.

### Society's Premises.

A letter was read from the Secretary of the Board of Works intimating that the Board had taken a lease of No. 45 Kildare Street, and that the Board hoped that the house would be ready for the Society's occupation in July.

### Dublin District Courts.

A letter was read from the Ministry of Justice acknowledging the suggestions of the Council in reference to arrangements for hearing of Civil cases in Dublin District Courts, stating same appeared reasonable, and that they would receive attention.

17th June.

Twenty Members present.

### The late Mr. J. H. Walsh.

The Council passed a resolution expressing deep regret at the death of Mr. John H. Walsh, a past member of the Council, and conveying to Mrs. Walsh their sympathy in her bereavement.

### Obituary.

MR. ROBERT J. JONES, Solicitor, died upon the 1st June, 1925, at Bristol.

Mr. Jones was admitted in Easter Term, 1863, and practised at 6 Bachelor's Walk, Dublin, up to 1908, when he retired.

MR. PATRICK J. MCCARTHY, Solicitor, died upon the 5th June, 1925, at his residence, Kilbrogan Hall, Bandon.

Mr. McCarthy was admitted in Trinity Sittings, 1879, and practised at Bandon.

MR. JOHN H. WALSH, Solicitor, died upon the 12th June, 1925, at Alassio, Italy.

Mr. Walsh served his apprenticeship with his father, the late Mr. Cornelius Walsh, 15 Lr. Ormond Quay, Dublin, was admitted in Michaelmas Sittings, 1895, and practised at 1 Lr. Ormond Quay, Dublin.

He was a member of the Council from 1912 to 1924, and was a Vice-President of the Society during the years 1915-16.

### Solicitors seeking Call to the Bar.

Mr. Patrick J. Roe, Solicitor, of Dundalk, Mr. Frederick Myles Duffy, Solicitor, of Carrickmacross, and Mr. John Anthony Murphy, Solicitor, of O'Connell Street, Waterford, have had their respective names struck off the Roll of Solicitors at their own requests, in order to enter as Law Students with a view to being called to the Bar.

### Rules of Court.

No Rules of Court for any of the Courts set up under the Courts of Justice Act, 1924, have yet been approved by either of the Houses of the Oireachtas. Both Houses have adjourned until the first week in November, and as Section 101 of the Act provides that: "No Rules of Court made under this Act shall come into operation unless and until they have been laid before each house of the Oireachtas, and have been approved by Resolution of each of such House," no Rules under the Act can come into operation before November next.

### Circuit Court Appeals.

The Council have received from the County and City of Limerick Sessional Bar Association the following resolution, passed by the Committee of that Association on the 2nd July:—

Resolved:—"That as it has been found that the present practice of hearing Appeals from the Circuit Court is inconvenient, expensive, and in every way unsatisfactory both to the Bar, Solicitors and their clients, we are of opinion that the system of having said Appeals heard by the High Court on notes of evidence should be discontinued, and that all said Appeals should be heard on *viva voce* evidence before either Judges of the High Court or Commissioners appointed for that purpose sitting at various local centres."

The Council request the Sessional Bar Associations of the Irish Free State to consider this resolution, and communicate their views thereon to the Secretary of the Incorporated Law Society of Ireland, 45 Kildare Street, Dublin.

### Solicitors' Apprentices' Debating Society.

The following is the result of the elections of Auditor, Officers and Committee for the Session 1925-26:—

Auditor—Patrick Byrne.

Secretary—Gerald J. O'Donnell.

Treasurer—Austin R. Farrell.

Committee—Patk. J. Loftus (ex-Auditor), Desmond R. Counahan, Terence K. Liston, Thomas Maguire, Joseph Barrett.

The prizes for the Session 1924-25 are awarded as follows:—

#### ORATORY.

Incorporated Law Society's Gold Medal—Thomas Maguire.

Debating Society's Silver Medal—John J. Nash.

Special Certificates—John Grogan, Patrick J. Loftus.

#### LEGAL DEBATE.

President's Gold Medal—Frederick W. Moorhead.

Society's Silver Medal—John Grogan.

#### IMPROMPTU SPEECHES.

Cussen Gold Medal—Patrick J. Loftus.

Cussen Silver Medal—Patrick Byrne.

#### Library.

The Council acknowledge with thanks the following gifts to the Society's Library:—

Mr. Gerald E. Grove-White:—

Anson. Contracts (10th Ed., 1903).

Archbold. Crim. Pleading (22nd Ed.), 1900.

Farwell. Powers (1874).

Johnson. An Essay on the Science of Law (Part 4, 1894).

Kenny. Crim. Law (1901).

Manual Military Law (1914).

Mew's Digest (1898-1914 and 1916).

Pollock. Partnership (8th Ed., 1905).

Pollock. Contracts (6th Ed., 1894).

Probyn. Systems of Land Tenure in Various Countries (1876).

Saunders. Precedents of Indictments (3rd Ed., 1904).

Stephen. Evidence (5th Ed., 1899).

Times Law Reports Digests (1884-1905).

Wylie. Judicature Acts (1906).

Mr. Leonard Webb:—

Law Times Reports (Vols. 98-105).

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# THE GAZETTE

OF

## Incorporated Law Society of Ireland.

Vol. XIX, No. 4.] August, 1925.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

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August, 1925.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Council Meetings.

1st July.

Twenty-two Members present.

### Compensation Paying Orders.

A member of the Council having, at the request of the Council, had an interview with a representative of the Ministry of Finance on the question of paying orders being sent direct to the client, reported that he had received an assurance that the practice of the Ministry is to send to the Solicitor on record the paying order for compensation and costs payable to the client, but that cases may have arisen where, through error or otherwise, the paying order was sent direct to the client.

### Adaptation of Charters Bill.

A report from the Parliamentary Committee on this Bill which has been read a second time in the Dail was adopted.

15th July.

Seventeen Members present.

### Court of Examiners.

Reports were submitted from the Court of Examiners on three applications for leave to be bound under Section 16. Two of the applications were granted, the third was refused.

### Income Tax Repayment Claims.

The circular of 20th May, 1925, issued by the Revenue Commissioners of the Irish Free State in reference to repayment of income tax claims was considered, and it was decided not to take any action in reference thereto.

### Colonial Solicitors Act, 1900.

A letter was read in reply from the Attorney-General stating that the matter of taking steps so as to be in a position to make application for an Order in Council applying the Colonial Solicitors Act, 1900, to the Irish Free State, was before the Executive Council on more than one occasion, and further consideration of the matter had been postponed for the present. It was ordered that a further letter be written to the Attorney-General drawing attention to the statement made in the British House of Commons on 13th July, by Mr. Ormsby-Gore, Under-Secretary of State.

29th July.

Sixteen Members present.

### Registration of Titles.

A letter was read from the Assistant Registrar enclosing copies of circular letters which the Registrar proposes to send to registered owners, and Solicitors for registered owners, in cases where lands are in settlement, and the settlements have been

destroyed in the fire at the Registry of 1922. The letters ask for secondary evidence of the contents of the destroyed settlements, and the Registrar requested the views of the Council in reference to the circular letters. The Council expressed their approval of the letters, subject to provision being made for payment by the Registry of the costs of supplying the secondary evidence.

#### **Compromises of Actions.**

A report was submitted from the Privileges Committee on the subject of attempted compromises of actions, through conferences taking place between Judge and Counsel in the absence of Solicitors, and the Council passed the following resolution, and directed that a copy be sent to the Bar Council, with a letter expressing the hope that the Bar Council would pass a resolution of concurrence with the terms of this resolution:—

Resolved:—"That in the opinion of the Council of the Incorporated Law Society of Ireland, Counsel should not confer with the Judge with a view to compromising an action without the Solicitors of the parties being invited to be present; and, further, the Council are of opinion that no arrangement for a compromise should take place between Counsel and client in the absence of the Solicitor."

#### **Roll of Solicitors.**

The Secretary reported that on the application of Counsel on behalf of the Society the Chief Justice had made an order directing the name of Charles P. O'Neill, of 27 South Frederick Street, Dublin, to be struck off the Roll of Solicitors.

#### **Adjournment.**

The Council adjourned until Tuesday, 6th October, unless otherwise specially summoned.

#### **Obituary.**

MR. WILLIAM B. HARDMAN, Solicitor, died upon the 19th July, 1925, at Dublin.

Mr. Hardman served his apprenticeship with his father, the late Mr. Townley W. Hardman; was admitted in Michaelmas

Sittings, 1881, and practised at 14 Molesworth Street, Dublin, in partnership with Mr. Hunt W. Hardman and Mr. Cyril H. Hardman, under the style of T. W. Hardman and Sons.

#### **New Members.**

The following have joined the Society:—

Blake, Henry St. J., Eyre Square,  
Galway.

White, William, City Hall, Dublin.

#### **The Society's Premises.**

The Government, through the Board of Works, have taken a lease of No. 45 Kildare Street, Dublin (the town residence of Sir Stanley Cochrane, Bart.), and the house has been given over by the Board of Works to the Society for occupation, pending a decision being arrived at as to the re-building of the Solicitors' Buildings, Four Courts.

The Offices and Library of the Society have been moved from 33 Molesworth Street to 45 Kildare Street. Telephone No. 4676.

#### **Workmen's Compensation.**

A Departmental Committee on Workmen's Compensation has been appointed by the Minister of Industry and Commerce to inquire into the present system of the payment of compensation to workers for injuries sustained in the course of employment, and to consider and report whether any amendments or alterations in the law or administration are desirable.

The Committee have invited the Council to nominate a representative to give evidence, and at the request of the Council, Mr. W. Gordon Bradley, Vice-President, has consented to give evidence.

Members are requested to send to the Secretary of the Society, 45 Kildare Street, Dublin, notes of any suggestions which they would desire to be submitted to the Committee.

**Intermediate Examination Result.**

- At the Intermediate Examination for Apprentices, held on 2nd July, the following passed the examination, and their names are classed and arranged in order of merit:—

**CLASS I.**

1. Austin R. Farrell.
2. James J. Hickey } equal.
- Herbert McCloughan }
4. Timothy K. Keane.
5. Henry J. Frizelle.
6. Patrick J. Branigan.
7. James Burns.
8. James S. Byrne } equal.
- James C. Fagan }
10. Gerald J. O'Donnell.
11. Desmond Counahan.
12. Patrick Byrne } equal.
- Robert J. Kehoe }
14. Joseph Barrett.
15. John P. J. Smyth.
16. Henry J. J. Walker.
17. Joseph P. L. Murphy.
18. John Lombard.
19. Annie J. Smyth.
20. James Cody.
21. George Crowley.

**CLASS II.**

1. William D. Leetch.
2. Henry E. H. Donegan.
3. John M. Dudley.
4. Timothy Lynch.
5. Francis Poyntz.
6. Maurice de L. Staunton.
7. Richard A. Burke.
8. Noel P. Shee.
9. Dermot Clinch.
10. Edward Neville.
11. Louis C. Murphy.
12. Charles J. Laverty.

The remaining candidates were postponed. Thirty-nine candidates attended: 33 passed; 6 were postponed.

**Library.**

The Council acknowledge with thanks the following gift to the Society's Library:—

Mrs. Joseph M. Day, "Cambrai," Bray—  
A large number of Law Reports and other law books.

**October Examinations, 1925.**

The Preliminary Examination will be held on Thursday and Friday, the first and second days of October, at 10 a.m. each day. Notices should be lodged by intending candidates in the Secretary's Office, 45 Kildare Street, Dublin, before 15th September.

The Intermediate Examination will be held on Monday, the fifth day of October, at 10 a.m. Notices should be lodged by intending candidates in the Secretary's Office before 18th September.

The Final Examination will be held on Wednesday, Thursday and Friday, the 7th, 8th and 9th days of October, at 10 a.m. each day. Notices should be lodged by intending candidates in the Secretary's Office before 22nd September.

**Notice of Solicitor's Partnership.**

A partnership has been arranged between Sir John Robert O'Connell, of the firm of Thomas F. O'Connell and Son, Solicitors, 34 Kildare Street, Dublin, and Mr. Patrick Rooney, of the firm of Rooney and Co., Solicitors, 21 Upper Ormond Quay, and the business of both firms will in future be carried on at 34 Kildare Street, Dublin, under the title "Thomas F. O'Connell, Rooney and Co."

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

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### BALLOT FOR COUNCIL.

The Ballot for election of Council will be held on Monday, 23rd November, from eleven o'clock to one o'clock, in the Secretary's Office, 45 Kildare Street, Dublin. Voting papers should reach the Secretary not later than one o'clock on the 23rd inst.

### HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society will be held at Two o'clock, p.m., on Thursday, 26th November, in the Mclesworth Hall, Molesworth Street, Dublin.

### MEETINGS OF THE COUNCIL.

6th October.

Eighteen Members present.

#### Presentation to the Society.

A letter was read from Sir John O'Connell requesting the Council on behalf of the Society to accept from him a presentation of a Presidential Chair. The Council passed a resolution accepting the gift and expressing grateful thanks to the donor.

#### Colonial Solicitors Act.

A letter was read in reply from the Attorney-General stating that the Executive Council had again considered this matter, and that they were not at present prepared to promote the legislation requested by the Council.

#### Adjudication of Deeds.

As suggested by a letter received from a member on the subject, it was decided to request the Inland Revenue, in cases of documents lodged for adjudication, that an intimation of the amount of duty assessed be sent by post to the Solicitor who lodges the document.

21st October.

Twenty-two Members present.

#### Adaptation of Charters Bill.

The opinion of Counsel on this Bill was submitted, and referred to the Parliamentary Committee to take steps to have amendment moved as suggested by Counsel.

#### Preliminary Examinations.

A report from the Court of Examiners dealing with a letter received from the Chief Justice, in reference to applications under Section 18 of the Solicitors (Ireland) Act, 1898, was submitted and adopted, and it was ordered that it be communicated to the Chief Justice.

#### Transcripts of Evidence.

A letter was read from a member drawing attention to the charges for second copies of transcripts of evidence at High Court trials. The question was referred to the Costs Committee.

#### Obituary.

MR. GEORGE S. ROGERS, Solicitor, died upon the 8th July, 1925.

Mr. Rogers served his apprenticeship with the late Mr. Robert H. Parke, of Monaghan; was admitted in Michaelmas Sittings, 1904, and practised at Monaghan.

MR. PATRICK O'HEA, Solicitor, died upon the 7th August, 1925, at Dundee, Natal, South Africa.

Mr. O'Hea was admitted in Michaelmas Term, 1875, and practised at Cork up to 1895, when he retired.

MR. GEORGE KNIGHT, Solicitor, died upon the 12th August, 1925, at his residence, Lackenash, Trim, County Meath.

Mr. Knight was admitted in Trinity Term, 1860, and practised at Clones up to 1890, in which year he was appointed Clerk of the Crown and Peace for County Meath, which office he held up to 1920, when he retired.

MR. EVERARD HAMILTON, Solicitor, died upon the 14th August, 1925, at his residence, Ballinteer Lodge, Dundrum, County Dublin.

Mr. Hamilton was admitted in Trinity Term, 1877, and practised at 30 South Frederick Street, Dublin, in partnership with Mr. Thomas H. R. Craig, under the style of Hamilton and Craig.

MR. DANIEL PURCELL, Solicitor, died upon the 20th August, 1925, at his residence, 45 Lower Leeson Street, Dublin.

Mr. Purcell was admitted in Michaelmas Sittings, 1880, and practised at 45 Lr. Leeson Street, Dublin, in partnership with his son, Mr. Noel M. J. Purcell, under the style of Daniel Purcell and Son.

MR. EDWARD S. MACNAB, Solicitor, died upon the 22nd August, 1925, at Bangor, North Wales.

Mr. Macnab was admitted in Michaelmas Term, 1877, and practised at 11 South Frederick Street, Dublin, in partnership with Mr. John Read, under the style of Read and Macnab up to 1924, when he retired.

MR. WILLIAM G. MAGINESS, Solicitor, died upon the 5th September, 1925, at Belfast.

Mr. Maginess served his apprenticeship with the late Mr. William Montgomery and Mr. John R. Moorhead, Belfast; was admitted in Trinity Sittings, 1893, and practised at Lisburn.

MR. RICHARD J. MARTIN, Solicitor, died upon the 29th September, 1925, at Dublin.

Mr. Martin was admitted in Hilary Sittings, 1891, and practised at 20 Saint Andrew Street, Dublin, up to 1907, when he was appointed Solicitor of Inland Revenue for Ireland, which position he held up to 1924, when he retired.

MR. THOMAS HEALY, Solicitor, died on 5th October, 1925, at Abbeyside, Dungarvan.

Mr. Healy was admitted in Trinity Sittings, 1888, and practised formerly at Wexford and subsequently at Callan and Tullow, up to 1922, when he retired.

MR. ALEXANDER A. LOCKHART, Solicitor, died upon the 9th October, 1925.

Mr. Lockhart (who was a member of the firm of Crawford and Lockhart) was admitted in Michaelmas Sittings, 1883, and practised at 4 Queen's Square, Belfast.

MR. JAMES S. ATKINSON, Solicitor, died upon the 13th October, 1925, at his residence 114 Rathgar Road, Dublin.

Mr. Atkinson (who was a member of the firm of Darley, Orpen and Synnott) was admitted in Trinity Sittings, 1878, and practised at 31 Kildare Street, Dublin.

#### New Members.

The following have joined the Society :—

Burke, John L., 63 Upper O'Connell Street, Dublin.

Corr, Edmund A., Ballina.

Craig, William J., Edenderry.

Gallagher, Francis, Donegal.

Kearney, Matthew P., Kilkenny.

Maxwell, Harold H., Eden Quay, Dublin.

McComb, Thomas, Monaghan.

O'Connor, John S., 12 Lower Ormond Quay, Dublin.

#### Land Act, 1923.

The Irish Land Commission have issued printed instructions dated 20th August, 1925, to Solicitors and Owners in relation to the preparation of the statement of ownership, general notice to claimants, and requisitions to Quit Rent Office, Commissioners of Public Works, and as to Tithe Rentcharge.

Solicitors can obtain one copy each on application at the Examiners' Branch at the Irish Land Commission, 24 Upper Merrion Street.

#### Land Bonds.

In the *Dail* on 12th November, 1925, Major Bryan Cooper put the following question at the request of the Council of the Incorporated Law Society of Ireland :—

To ask the Minister for Finance if he will state why no steps have yet been taken as to the issue of Land Bonds under the Land Act of 1923 to those persons who have been declared entitled to same by Orders made by the Judicial Commissioner of the Land Commission and whose names have been inscribed in a Ledger in the National Land Bank:



as owners of such Bonds, and whether as these persons are prevented by the non issue of such Bonds from taking any steps to deal with such securities he will arrange for the Bonds to be issued forthwith so that they may become saleable, or may be used as security upon which overdrafts or loans may be obtained.

The Minister gave the following reply :—

The register Certificates to be issued to holders of Land Bonds are in course of printing and it is expected that the Certificates will be in the hands of all persons entitled to them before the end of next month.

#### Examination Results.

At the Preliminary Examination, held on 1st and 2nd days of October, the following passed the examination, and their names are arranged in order of merit :—

1. Mary E. Smith.
2. Eugene Boland.
3. Frederick W. Gilligan.
4. William H. P. England.
5. Richard G. Walsh.
6. Francis Burke.
7. Frederick Kelly.
8. Laurence Gill.
9. Arthur J. Barrett.
10. Bernard J. Seales.
11. Kenneth P. Kilbride.
12. Louis Walsh.
13. Michael J. Fitzmaurice.
14. John B. Lavell.
15. George E. Henderson.
16. Richard N. Brady
- Leo B. Skinner      } equal.
18. James J. Sexton.

Joseph C. Guihan and Thomas A. O'Donoghue passed the modified Preliminary Examination, for which they had liberty to present themselves.

Twenty candidates attended ; all passed.

#### Preliminary Examination Prizes, 1925.

The Council awarded a Silver Medal to Patrick J. Kiely, and Special Certificates to Mary E. Smith and Eugene Boland.

#### Final Examination.

At the Final Examination, held on 7th, 8th and 9th October, the following passed the

examination, and their names are arranged in order of merit :—

1. Edward A. Margetson.
2. William E. Godfrey, B.A., T.C.D.
3. John Ryan.
4. Francis G. Orr.
5. Joseph Brazil.
6. Maureen McDowell.
7. Martin Fitzgerald.
8. John D. T. Rooney.
9. John P. Dowd.
10. John D. Fitzgerald.
11. Joseph Brogan.
12. Robert J. Cussen.
13. Anthony J. Malone, B.A., N.U.I.
14. Derrick M. Martin, B.A., T.C.D.
15. William A. Hunter.
16. James W. Lane.
17. Morris H. MacGrath.
18. Michael J. McMahon.
19. Niall S. Gaffney.

The Council have awarded Special Certificates to Edward A. Margetson, William E. Godfrey, B.A., T.C.D., and John Ryan.

Thirty candidates attended · 19 passed ; 11 were postponed.

#### Scholarships, 1925.

The Findlater Scholarship has been awarded to Samuel Love, who obtained first place and Silver Medal at the October, 1924, Final Examination. He served his apprenticeship with Mr. George T. Harley, of Messrs. R. H. Wallace and Co., Downpatrick.

The Overend Preliminary Examination Scholarship has been awarded to Patrick J. Kiely, who is serving his apprenticeship with Mr. F. V. Gordon, of Dublin.

The Overend Final Examination Scholarship has been awarded to William E. Godfrey, B.A., T.C.D., who served his apprenticeship to Mr. T. F. Figgis, of Dublin.

#### Telephone.

The Society's Telephone No. at 45 Kildare Street is 62543.

OFFICES.—Solicitor would share offices ; exclusive use of one room, centrally situated ; convenient to Land Commission ; electric light and telephone ; £52. Reply Law Rooms, c/o. Hely's Ltd., Dame Street.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.



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# THE GAZETTE

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### Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society was held in the Molesworth Hall, Dublin, on Thursday, the 26th November, 1925, Mr. Arthur H. S. Orpen (President) in the Chair.

The following members of the Society were also present:—W. G. Bradley (Vice-President), H. Turpin (Vice-President), C. G. Gamble, J. E. MacDermott, James Moore, W. V. Seddall, T. G. Quirke, P. Seales, P. Tallan, E. H. Burne, T. W. Delany, Frank Fottrell, J. J. Lynch, L. J. Ryan, W. T. Sheridan, P. J. Byrne, C. St. G. Orpen, A. D. Orr, J. W. Dyas, P. J. Brady, Basil Thompson, E. N. Edwards, W. H. Fry, H. P. Mayne, R. D. English, James Brady, H. Malley, H. D. Draper, A. E. Walker, A. Woodcock, D. B. Dunne, E. R. McC. Dix, Samuel Kerr, E. R. Bate, O. P. Beater, S. M. Bell, F. C. E. Bland, R. A. O'Brien, J. W. Davis, C. J. Joyce, Edward Condell, E. J. French, F. E. Fetherstonhaugh, H. R. Maunsell, F. E. Bermingham, F. S. D. Colquhoun, R. W. MacNeice, L. Webb, F. D. Darley, G. A. Byrne, A. T. Ellis, T. H. R. Craig, A. J. Reddy.

The Secretary read the notice convening the meeting, also the Minutes of the Half-yearly Meeting held on the 18th May last, which latter were signed by the President, who also signed the audited accounts for the year ending 30th April, 1925.

The Secretary read the Report of the Scrutineers of the Ballot for Council for the year ending 26th November, 1926, which stated that the following had been returned as Provincial Delegates:—W. H. Halpin (Ulster), James S. Gaffney (Munster), Michael Buggy (Leinster) and Henry J. Concanon (Connaught); and the following having obtained the number of votes placed after their names have been elected as the thirty-one Ordinary Members of the Council: T. G. Quirke, 274; A. H. S. Orpen, 266; J. E. MacDermott, 263; W. S. Hayes, 262; Peter Seales, 253; E. H. Burne, 252; W. V. Seddall, 244; H. Turpin, 240; R. G. Warren, 238; W. G. Bradley, 237; C. Gamble, 231; James Moore, 229; P. Tallan, 220; Frank Fottrell, 217; L. J. Ryan, 206; J. J. Duggan, 206; M. E. Knight, 200; P. J. Byrne, 199; J. J. Lynch, 198; James Poe, 189; F. G. McKeever, 187; H. K. Toomey, 187; W. T. Sheridan, 185; T. W. Delany, 179; D. J. Reilly, 178; P. J. Meehan, 157; J. G. Reid, 153; C. Laverty, 151; J. J. Macken, 151; W. Martin, 147; P. V. C. Murtagh, 137; and the following for a supplemental list to fill vacancies: W. Dwyer, 137; J. Harte, 122; and J. E. Wallace, 120.

THE PRESIDENT, in moving the adoption of the Report of the Council, said:—  
Gentlemen,—Since our last Half-yearly General Meeting in May we have to deplore the deaths of some well-known members of



our profession. First, I would desire to refer to Mr. W. J. Shannon, a past President of this Society and one who for many years took an active and useful part in the work of our Society. Mr. John H. Walsh had been for some years a member of the Council and a Vice-President. Mr. Thomas Healy had retired from active practice for a few years past. There are also Mr. Atkinson, Mr. Rogers, Mr. O'Hea, Mr. George Knight, Mr. Everard Hamilton, Mr. Daniel Purcell, Mr. MacNab, Mr. Richard Martin, Mr. Lockhart, Mr. W. B. Hardman, Mr. R. J. Jones, Mr. McCarthy, Mr. McCay and Mr. Long.

The Annual Report of this Council for the year which ends to-day has been in your hands for some time, and I feel sure has been read by you with the attention it deserves. I think its perusal will show you that the Council has not been negligent in the interests of Solicitors throughout the Irish Free State, and it is the custom that in addition to moving the adoption of this Report, the President should say a few words to you as to some special points which would appear to require further explanation or amplification.

In the first place, I would wish to congratulate the members of the Society on being at last in occupation of temporary quarters which are consistent with the prestige and dignity of the Society, and I would wish to remind you that throughout the negotiations which have taken place between ourselves, the Benchers, and the Government, we have made it quite clear that these premises are only for our temporary occupation, and that our permanent premises will be in that place where the Courts of Justice are to be carried on. It is now almost certain that the Four Courts will be rebuilt, and that we will be back again in our old home. In respect of our claim for compensation for the destruction of furniture and effects at the Four Courts, we have received a substantial sum which is enabling us to furnish our premises in Kildare Street in an adequate way, and care has been taken that the furniture purchased shall be such as shall be of use when we return to our re-built habitation.

You will see that the membership of the Society has slightly decreased during the

year, following a large increase last year, and you will see that for the first time the majority of the Council last year and next year are Provincial Solicitors; and I should wish now to impress upon you the good service and loyal support given by the Provincial Members of the Council throughout the year to me as President and in the best interests of the Society and the profession.

The Rules under the Courts of Justice Act of last year have now been submitted to the Minister. There are many and great changes in procedure rendered necessary by that Act, and in this regard I would particularly wish to inform you of the good work done by Dr. Quirke and Mr. Seales in drafting Schedules of Costs; Mr. Gordon Bradley and Mr. Horgan, in connection with the Circuit Court; and Mr. E. H. Burne and Mr. Gaffney with reference to the District Court Rules.

Amongst other matters which engaged the attention of the Council at considerable length during the year was the Colonial Solicitors Act and its adoption by this country. The non-adoption of this Act puts a Free State Solicitor who wishes to become a Solicitor in England at a considerable disadvantage. I am glad to say that His Majesty's Government have informed the Free State Government that they were ready to take into consideration, in consultation with the appropriate authorities, the question of the issue of an Order in Council applying to the Irish Free State the Colonial Solicitors Act, with such modifications as might appear to be necessary, as soon as the additional necessary legislation has been passed by the Free State Parliament. In the month of August last a reply to a communication from the Council was received from the Attorney-General, stating the Executive Council had again considered the matter, and that they were not at present prepared to promote the legislation requested by the Council, and, therefore, the matter still remains in an unsatisfactory position.

In connection with the Local Government Act of 1925. The Bill as introduced repealed Section 8 of the Local Government Act of 1919, but did not include in the list of Pensionable Officers, the Local Authority

Solicitors. As a result of the representation of the Council, and after considerable correspondence, the Minister for Local Government moved an amendment which extended the definition, Pensionable Officers, so as to include any person duly appointed standing Solicitor of a local body before the Act of 1919. When the Bill was before the Senate the amendment was carried in Committee by a small majority to omit the provision inserted by the Dail which protected the rights of the Solicitors to local bodies.

The Council again communicated with the Minister, and as a result the clause was again inserted and subsequently accepted by the Senate.

In reference to the publication of Statutes. The Council has been constantly urging upon the Minister of Justice that these Statutes should be printed in uniform size, and as a result in the month of September the volume for 1923 was issued, and it contained 1402 pages.

In reference to actions compromised as a result of discussion taking place between Judges and Counsel in the absence of Solicitors, the Council passed a resolution which you will find in the Report, and which we trust will have the effect of putting a stop to this very objectionable practice.

The Council very much regret the retirement of Sir John O'Connell, LL.D., who had filled the position of Vice-President of the Society, and whose eloquent tongue and clear brain were always at the service of the Society, and whom we shall not readily forget, and who has generously intimated his desire to present the Society with a new Presidential Chair.

We have now in the Library 2017 volumes, and are increasing same as occasion offers by the purchase of the latest Law Books. In connection with this I would like to acknowledge a gift we have just received from Mrs. MacCarthy Mahony of a large number of Law Books from the Library of the late Lord Justice Ronan.

We have again to thank the President of the Royal College of Physicians and Royal College of Surgeons for their kindness in allowing us to conduct our examinations in their halls, and also for the use of their hall for Dinners of the Council.

I would also wish to call your attention to the Solicitors' Apprentices' Debating Society, which has received the support and encouragement of the Council and of the Society, and judging from the address of the Auditor at the opening meeting, is well worthy of that support.

No Presidential Address would be complete without a reference to our Secretary, Mr. W. G. Wakely, and it is hard to say how much the Council and the Solicitors' profession throughout Ireland owe to his energy, foresight and ability. There is no matter, be it small or large, coming up for consideration which is not tackled with courage and ability by Mr. Wakely, and his knowledge of Solicitors throughout Ireland is extraordinary and unrivalled.

I would again wish to thank the Council, and in particular the two Vice-Presidents, for the manner in which they have acted towards me personally during my year of office, which I can truly say has been a most pleasant one. Their loyal support and business-like brevity have made our meetings most harmonious and in accordance with the best traditions handed down to us by our predecessors. The majority of the Council were strangers to me this time last year, and I feel that I have made many and, I trust, lasting friendships.

I beg to move the adoption of the Report of the Council.

MR. W. G. BRADLEY (Vice-President) seconded the adoption of the Report.

MR. JAMES BRADY drew attention to the inconvenience caused to litigants by the District Court Civil Cases from outlying districts of the County Dublin being heard in the City of Dublin. He said it was a great hardship and expense on litigants to have to travel so far to have their cases disposed of.

The Report of the Council was adopted; and Mr. Bradley (Vice-President) having taken the chair,

MR. A. D. ORR moved, and MR. P. J. BRADY seconded a hearty vote of thanks to the President, which was passed with acclamation. The President returned thanks.



**Obituary.**

MR. JOHN BYERS, Solicitor, died upon the 5th November, 1925, at Belfast.

Mr. Byers served his apprenticeship with Mr. John B. McCutcheon, Belfast; was admitted in Hilary Sittings, 1898, and practised at Cookstown.

MR. WILLIAM J. SHANNON, Solicitor, died upon the 6th November, 1925, at London.

Mr. Shannon served his apprenticeship with his father, the late Mr. George W. Shannon, Dublin; was admitted in Hilary Sittings, 1881, and practised at 19 Upper Ormond Quay, Dublin, in partnership with Mr. John Pride and Mr. Charles W. Russell, under the style of W. J. Shannon & Co.

He was a member of the Council of the Society from 1895 to 1921, and was President of the Society during the year 1908-09.

MR. DANIEL O'C. MILEY, Solicitor, died upon the 6th November, 1925, at his residence, 8 Ailesbury Road, Dublin.

Mr. Miley served his apprenticeship with the late Sir George Fottrell, Dublin; was admitted in Trinity Sittings, 1882, and practised at 12 South Frederick Street, Dublin, in partnership with Mr. V. Miley, under the style of Miley & Miley.

MR. JOHN K. CURRIE, Solicitor, died upon the 7th November, 1925.

Mr. Currie served his apprenticeship with the late Mr. Alexander Caruth, Ballymena; was admitted in Michaelmas Term, 1877, and practised at Ballymena.

MR. RICHARD RICE, Solicitor, died in November, 1925.

Mr. Rice was admitted in Trinity Term, 1871, and practised at Fermoy, in partnership with Mr. Edmond A. Rice, under the style of Richard Rice & Son.

MR. THEODORE CRONHELM, Solicitor, died upon the 28th November, 1925, at Greystones.

Mr. Cronhelm was admitted in Trinity Sittings, 1883, and practised at 22 Bachelor's Walk, Dublin.

MR. WILLIAM E. O'REILLY, Solicitor, died upon the 28th November, 1925.

Mr. O'Reilly served his apprenticeship with Mr. Edwin Lloyd, Dublin; was admitted in Hilary Sittings, 1918, and practised at 67 Middle Abbey Street, Dublin.

MR. JOHN O'SULLIVAN, Solicitor, died upon the 30th November, 1925.

Mr. O'Sullivan served his apprenticeship with the late Mr. Ambrose Plunkett, 20 Wellington Quay, Dublin; was admitted in Trinity Sittings, 1896, and practised at 20 Wellington Quay, Dublin, under the style of Ambrose Plunkett and Co.

**The President.**

The Council have elected Mr. Thomas George Quirke, B.A., LL.D., R.U.I., of 15 South Frederick Street, Dublin, to be the President of the Society for the ensuing twelve months.

The newly-elected President obtained first place and was awarded a gold medal at the January Final Examination, 1891, and was admitted in Hilary Sittings, 1891. From 1907 to 1912 he was the Society's Professor of Real Property, Equity, and Conveyancing. He was elected a member of the Council in 1913, and was a Vice-President of the Society in 1916-17.

**The Vice-Presidents.**

The Council have elected Mr. Laurence Ryan, of Thurles, and Mr. James J. Lynch, of Kells, to be the Vice-Presidents of the Society for the ensuing twelve months.

**Land (Finance) Rules, 1925.**

The Minister of Finance has made Rules and Regulations dated 10th November, 1925, under the Land Act, 1923. Copies can be obtained from Messrs. Eason & Son, 40-41 Lower O'Connell Street, Dublin, price One Shilling.



**Circuit Court Appeals.**

Appeals from Circuit Court decisions which have already been listed will be set down for hearing on Tuesday, 12th January, 1926, beginning with cases from the Midland Circuit, to be followed by like cases from the South-Western, Southern, and Eastern Circuits.

**Order Regulating Taxation of Parliamentary Costs.****DAIL EIREANN.**

Tigh Laighean,  
(Leinster House),  
Baile Atha Cliath,  
(Dublin).

We, the Ceann Comhairle of the Dail and the Cathaoirleach of the Seanad, acting jointly, hereby appoint, in pursuance of Standing Order 114 (Private Business) Master James A. Denning to be taxing officer to tax the costs of Parliamentary Agents, Solicitors and others, in pursuance of the Private Bill Costs Act, 1924 (No. 52 of 1924).

We also hereby appoint, in pursuance of the above Standing Order, Master Valentine Kilbride and Master Richard A. MacNamara to act as taxing officers if for any cause the

said Master James A. Denning shall be unable so to act.

(Signed),

GLENVY,

Cathaoirleach.

MICHAEL O HAODHA,  
Ceann Comhairle.

16adh Mi na Nodlag, 1925.

**Lectures, Hilary Sittings, 1926.**

The Junior Class Lectures for Hilary Sittings, 1926, will begin on Monday, 11th January.

The Senior Class Lectures for Hilary Sittings, 1926, will begin on Tuesday, 12th January.

The Lectures to both Classes are delivered at two o'clock, p.m., at 45 Kildare Street.

**SOLICITOR'S PRACTICE FOR SALE.**

Large and important old-established Practice for Sale at Youghal, Co Cork. Also Lease of Offices, which are fully equipped. For further Particulars, apply to—

M. MOLONEY, Solicitor,

Youghal.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.



# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XIX, No. 7.]

January, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

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January, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Meetings of the Council.

2nd December.

Twenty-three Members present.

### Council Meetings.

It was resolved that during the coming year meetings of the Council be held on Thursdays, at half-past two o'clock, p.m., with intervals of three weeks between each meeting.

### Library.

A resolution was passed thanking Mrs. McCarthy Mahony for a gift for the Library of 162 volumes from the library of the late Lord Justice Ronan.

9th December.

Nineteen Members present.

### Election of President and Vice-Presidents.

The Council elected Mr. T. G. Quirke to be President of the Society, and Mr. L. J. Ryan and Mr. J. J. Lynch to be Vice-Presidents of the Society for the ensuing twelve months.

### Extra-ordinary Members.

The names of the following were submitted by the Incorporated Law Society of Northern Ireland to serve as Extra-ordinary Members

of the Council for the year ending 26th November, 1926:—Mr. Joseph Allen (President), Mr. S. G. Crymble, Mr. John B. McCutcheon, Mr. John McKee, and Mr. S. Ross.

16th December.

Twenty-two Members present.

### Statutory Committee.

The Secretary reported that the Chief Justice had appointed the following seven members of the Council to be the Statutory Committee for the year ending 26th November, 1926:—Mr. Quirke, Mr. MacDermott, Mr. Moore, Mr. Orpen, Mr. Seddall, Mr. Tallan, and Mr. Warren.

### Committees.

The Court of Examiners and the Committees of the Council were appointed.

### Solicitors' Annual Certificates.

Members are reminded that their Annual Certificates for the year ending 5th January, 1927, should be taken out, and the duties paid thereon, before 6th February, 1926.

The Certificates of Solicitors whose offices are situate in the Irish Free State, are issued in the office of the Incorporated Law Society



of Ireland, 45 Kildare Street, Dublin, and the duties are payable at the Inland Revenue Office, Dublin Castle.

The Certificates of Solicitors whose offices are situate in Northern Ireland, are issued in the office of the Incorporated Law Society of Northern Ireland, 35 Royal Avenue, Belfast, and the duties are payable at the Inland Revenue Office, Belfast.

#### Obituary.

MR. DANIEL J. TREACY, Solicitor, died upon the 15th December, 1925, at his residence, 18 Upper Leeson Street, Dublin.

Mr. Treacy was admitted in Trinity Term, 1871, and practised at Mountrath up to 1916, when he retired.

MR. PATRICK J. CALLAN, Solicitor, died upon the 21st December, 1925, at his residence, "Oriol," Bridge Street, Dundalk.

Mr. Callan served his apprenticeship with Mr. John H. Callan, 23 St. Andrew Street, Dublin; was admitted in Michaelmas Sittings, 1908, and practised at Dundalk.

MR. WALTER THORNHILL, Solicitor, died upon the 20th December, 1925, at Ashton House, Cork.

Mr. Thornhill was admitted in Michaelmas Term, 1869, and practised at 46 South Mall, Cork, in partnership with Mr. William W. Thornhill, under the style of Walter Thornhill & Son.

MR. M. BARRINGTON JELLETT, Solicitor, died upon the 29th December, 1925, at 10 Ely Place, Dublin.

Mr. Jellett served his apprenticeship with the late Sir Croker Barrington, Bart., 10 Ely Place, Dublin; was admitted in Easter Sittings, 1887, and practised at 10 Ely Place, Dublin, in partnership with Mr. Herbert S. McClelland, under the style of Barrington & Son.

He was a member of the Council of the Society from 1896 to 1908, and was a Vice-President of the Society during the year 1901-02.

#### New Members.

The following have joined the Society:

Keane, Michael J. C., Castlereagh.

Kennedy, Frederick E., Cavan.

O'Kelly, Bernard J. D., 27 South Frederick St., Dublin.

Vance, Thomas, Bailieborough.

#### Land Act, 1923.

A deputation from the Council, consisting of the President, Mr. MacDermott, and Mr. Fottrell, accompanied by the Secretary, had an interview on 17th December with Mr. Justice Wylie, Mr. Commissioner Hogan, and Mr. Commissioner O'Shiel, together with the Secretary of the Land Commission, at which the deputation urged that the question of the outstanding compounded arrears of rent should be dealt with so as to permit of an appointed day being fixed for completion of sales in the cases of those estates on which compounded arrears are outstanding. The question was very fully discussed, and, at the request of the Land Commissioners, the deputation undertook to send in a memorandum containing the suggestions of the Council on the matter, and this has since been done.

#### Legal Decision.

#### CIRCUIT COURT FOR THE CITY AND COUNTY OF DUBLIN.

(Before Assistant Circuit Judge Pigot, K.C.)

GILLIGAN *v.* SCOTT.

November 26, December 4, 1925.—*Practice—Costs—Action transferred for hearing to the Circuit Judge—Taxation.*

This was an action brought by the Plaintiff by writ of summons in the High Court for damages for personal injuries, and injuries to a motor cycle, his property, occasioned by reason of the negligent driving and management of a motor car at Haddington Road,

Dublin, the property of Defendant, by his agents and servants. The Defendant obtained an Order of 8th July, 1925, transferring the Plaintiff's action for trial to the Circuit Court, and that the costs of the motion be costs in the action. The case was heard by the Assistant Circuit Judge, sitting with a common jury, when the jury found for the Plaintiff £120 damages, and judgment was entered accordingly, whereupon the case was adjourned for the consideration of the question of costs.

The Judge, having heard Counsel for both parties on the question of the scale under which the Plaintiff's costs should be drawn, dealt with the provisions of Sections 22, 48 and 51 of the Courts of Justice Act, 1924, and stated that he could not think that it would be a right view to take that the

Taxing Officer of the Circuit Court should tax the costs on the same scale as costs would be taxed in a High Court action, but that he regarded Section 51 as giving a larger power to the Circuit Court and to its officers in dealing with taxation than was possessed by the County Court and its officers, and he directed the Clerk of the Peace to tax the costs on a reasonable basis, having regard to the fact that the action was remitted from the High Court to the Circuit Court to reduce the incidence of costs.

(Reported I.L.T.R. Vol. LIX., 169.)

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# THE GAZETTE

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### Meeting of the Council.

January 14th.

Eighteen Members present.

### Extra-ordinary Members.

The names of the following were submitted by the Southern Law Association to serve as Extra-ordinary Members of Council for the year ending 26th November, 1926:—Mr. C. J. Lane (President), Mr. W. Murphy, Mr. A. H. Julian, Mr. J. J. Horgan, and Mr. P. J. Kavanagh.

### High Court Rules.

The President informed the Council that he had attended meetings of the High Court Rules Committee, at which a rule had been signed in reference to the Securities in which funds in Court may be invested, and also rules prescribing a Schedule of Solicitors' Costs for Supreme and High Court proceedings.

### Costs due by Government Department prior to 1921.

A member having informed the Council that in 1920 his firm had acted on instructions from a Government Department in obtaining a decree for malicious injuries, and his firm's costs due by the Government, had been taxed at £94 15s. 0d., but that notwithstanding many applications for payment the costs remained unpaid. The President stated that,

as requested by the Council, he had discussed this matter with the Ministry of Finance, and that as a result he had received a satisfactory assurance that provision would be made in the immediate future for payment of these costs and for other costs similarly due.

### Bankruptcy Laws.

A letter was read from the Chamber of Commerce requesting the Council to nominate representatives to attend a Conference with the Law, Parliamentary and Municipal Committee of the Chamber, and with representatives of other bodies, with reference to the Irish Bankruptcy Laws. The Council nominated the President, Mr. W. S. Hayes, and Mr. Seddall.

### Obituary.

MR. JOHN O'CONNELL, Solicitor, died upon the 7th January, 1926, at his residence, Seaview, Ballyard, Tralee.

Mr. O'Connell served his apprenticeship with Mr. Francis C. E. Bland, Dublin; was admitted in Hilary Sittings, 1899, and practised at Tralee.

MR. GRAVES A. LEECH, Solicitor, died upon the 16th January, 1926, at his residence, Danesfield, Clontarf.

Mr. Leech was admitted in Trinity Term, 1877. He was an Assistant Solicitor to the Irish Land Commission up to the year 1915, when he retired.

MR. RICHARD D. ORR, Solicitor, died upon the 30th January, 1926, at Dublin.

Mr. Orr was admitted in Trinity Sittings, 1919, under Section 29 of the Solicitors (Ireland) Act; 1898, and practised at 5 Foster Place, Dublin.

MR. DAVID DUNNE, Solicitor, died upon the 31st January, 1926, at his residence, 32 Upper Merrion Street, Dublin.

Mr. Dunne served his apprenticeship with the late Mr. Thomas F. O'Connell, Dublin; was admitted in Hilary Sittings, 1884, and practised at 25 St. Stephen's Green, Dublin.

#### Appointments.

MR. HENRY B. O'HANLON, 58 Dame Street, Dublin, has been appointed Solicitor to the Attorney-General.

MR. W. C. M. CORRIGAN, Solicitor, 3 Saint Andrew Street, Dublin, has been appointed a Notary Public.

#### Land Purchase.

##### DEDUCTION OF INCOME TAX.

A member draws attention to the law as it exists, that where interest, annuity or any other annual payment charged with tax under Schedule D; is paid out of capital money, the rate of income tax to be deducted should be the rate current during the accrual of the interest (Rule 21 (1) of the General Rules contained in Schedule 1 of the Income Tax Act, 1918).

The interest paid out of capital will be regarded by the Income Tax Authorities as the income of the payee for the period in which it accrued, and objection will not be offered by them that a claim is Statute-barred, where a claim for refund of such income tax is made by a person to whom the interest is payable, and who otherwise is entitled to a refund, provided it be made within a reasonable time of the receipt of the interest.

#### Land Purchase.

The Judicial Commissioner has issued a direction dated 6th February, 1926, intimating that when the total purchase money of all the land of any owner which in normal circumstances shall become vested in

the Land Commission under the Land Act, 1923, shall not exceed £100, as soon as a provisional list or other official intimation indicating the land that shall become so vested shall have been issued, and before preparing a Statement of Ownership, the Solicitor acting for the owner should attend before the Examiner to take directions as to whether the lodgment of such Statement may be dispensed with, and generally as to the evidence that shall be required, and the proceedings that should be taken to obtain payment or distribution of the purchase money.

#### Solicitors' Benevolent Association.

The Directors have elected Sir George Roche as Chairman, Mr. Joseph E. MacDermott as Deputy Chairman, and Mr. George Collins as Honorary Secretary of the Association for the current year.

The Directors having received from Mr. F. C. Earle Bland a request that they would accept his resignation of the office of Secretary of the Association as from the first day of May next, the following resolution, moved by the Chairman (Sir George Roche), seconded by Mr. J. E. MacDermott, was passed unanimously:—

"The Directors of the Solicitors' Benevolent Association have received with deep regret from Mr. F. C. Earle Bland the intimation of his desire to retire from the office of Secretary of the Association.

"The Directors, in accepting Mr. Bland's resignation, desire to place on record their grateful appreciation of the services rendered by him to the Association for the past forty years, during which he has filled the office as Secretary. During all those years Mr. Bland has zealously carried on the work of the Association in the best interests of those for whose relief the Association exists. He has spared neither time nor trouble in advancing the interests of the Association and in assisting the Directors in the administration of their trust.

"The Directors desire to express to him their deep sense of obligation for all the assistance he has rendered to them and for the good work he has done for the Association."

The Directors appointed a Sub-Committee to consider the matter of the appointment of a Secretary, and to report thereon to the Board.

#### The Society's Calendar.

The Society's Calendar and Law Directory for 1926 can be obtained at the Society's Office, 45 Kildare Street, Dublin. Price five shillings; by post, five shillings and sixpence.

#### Examinations.

The Preliminary Examination will be held on Monday and Tuesday, the 19th and 20th days of April, at 10 o'clock, a.m., each day.

Notice of intention to attend the examination should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 26th March.

The Final Examination will be held on Wednesday, Thursday and Friday, the 21st, 22nd and 23rd days of April, at 10 o'clock, a.m., each day.

Notice of intention to attend the examination should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 29th March.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





# THE GAZETTE

OF

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# THE GAZETTE

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### Meetings of the Council.

February 4th.

Twenty-one Members present.

#### Circuit Court Appeals.

A memorandum prepared by a member of the Council, dealing with the hearing of Circuit Court Appeals and questions relating to Circuit and District Court practices, was referred to a Committee for consideration.

#### Certificates.

Six applications under Section 47 for renewal of Certificates were considered, and an order made in each case.

#### Land Registry Rules.

Draft Land Registry Rules, 1926, dealing with Exchanges of Holdings, and Registration with possessory or qualified title, were considered.

February 25th.

Eighteen Members present.

#### Damage to Property (Compensation) Act.

A letter was read from a firm of Solicitors asking the Council to communicate with the Minister of Finance in protest against his action where the firm acting for a client in more than one claim under Section 15, where the Declarations were all made on the one day, and the cases all heard on the one

day, and in which the Judge made separate reports, recommending compensation and costs in each case. The Minister, instead of paying the costs recommended in each case, had aggregated the amounts of compensation and paid only one set of costs on the aggregate amount and all expenses.

A reply was directed to be sent pointing out that the payments under Section 15 were made as *ex gratia* grants, wholly in the discretion of the Minister, and the Council did not see any advantage to be gained by protest against his action in the matter.

#### Appeals from Circuit Court.

A letter was read from the Mayo Sessions Bar Association stating that the Association are of opinion that the present system of hearing appeals from Circuit Courts is most unsatisfactory, and that the only satisfactory form of appeal is a re-hearing. The letter was referred to the Circuit and District Courts Committee.

#### Obituary.

MR. PHILIP O'DOHERTY, Solicitor, died upon the 6th February, 1926, at Londonderry.

Mr. O'Doherty served his apprenticeship with the late Mr. Patrick Maxwell, Londonderry; was admitted in Easter Sittings, 1895, and practised at Londonderry.

MR. HENRY G. COOPER, Solicitor, died upon the 7th February, 1926, at his residence, 9 Clare Street, Dublin.

Mr. Cooper was admitted in Michaelmas Term, 1867, and practised at 9 Clare Street, Dublin.

MR. NORRIS GODDARD, Solicitor, died upon the 12th February, 1926, at his residence, 1 Leeson Park, Dublin.

Mr. Goddard was admitted in Easter Term, 1875, and practised at 1 Upper Mount Street, Dublin.

He was Crown Solicitor for the County of Carlow from 1896 to 1922.

MR. JOSEPH DELANY, Solicitor, died upon the 12th February, 1926, at his residence, Mohill.

Mr. Delany served his apprenticeship with his brother, Mr. Thomas W. Delany, Longford; was admitted in Trinity Sittings, 1901, and practised at Mohill.

MR. ARTHUR E. MARTELLI, Solicitor, died upon the 27th February, 1926, at London.

Mr. Martelli served his apprenticeship with Mr. Arthur E. Bradley, 11 Lr. Ormond Quay, Dublin, and was admitted in Hilary Sittings, 1903.

#### New Members.

The following have joined the Society:—  
 England, St. James B., Tipperary.  
 Gaffney, Niall S., Limerick.  
 Lane, James W., 53 Dame St., Dublin.  
 Murphy, John C. J., Kilkenny.

#### Land Purchase.

##### Deduction of Income Tax.

The paragraph under above heading in GAZETTE of last month should have read as follows:—

A member draws attention to the law as it exists, that where interest, annuity or any other annual payment charged with tax under Schedule D, is paid out of capital money, the rate of income tax to be deducted should be the rate current at the time of

payment and not the rate current during accrual of the interest (Rule 21 (1) of the General Rules contained in Schedule 1 of the Income Tax Act, 1918).

The interest paid out of capital will be regarded by the Income Tax Authorities as the income of the payee for the period in which it accrued, and objection will not be offered by them that a claim is statute barred, where a claim for refund of such income tax is made by a person to whom the interest is payable, and who is otherwise entitled to a refund, provided it be made within a reasonable time of the receipt of the interest.

#### Solicitors' Benevolent Association.

A Special Meeting of the Directors was held on 10th March, Sir George Roche (in the chair) and thirteen other members being present. The Directors elected Mr. Dinnen B. Gilmore, Solicitor, a member of the firm of Messrs. Webb, Scott and Seymour, 39 Dawson Street, Dublin, to be Secretary of the Association as from the first day of May next, in room of Mr. F. C. E. Bland, resigned.

#### Library.

The following books have been added to the Library since March, 1925:—

Behan: The Use of Land as affected by Covenants.

Statutes of Northern Ireland, 1924.

Galé: Easements, 10th Ed., 1925.

Hanson: Death Duties, 7th Ed., 1925.

Macnamara: Carriers, 3rd Ed., 1925.

Porter: Insurance, 7th Ed., 1925.

Roberts: Collisions on Land.

Stevens: Mercantile Law, 7th Ed., 1925.

Willis: Workmen's Compensation, 1925.

Ryde: Rating, 5th Ed., 1925.

Encyclopædia Laws of England, 13 Vols.

Irish Law Times, 1870 and 1871 and 1888-1905.

Townland Index, 1871.

Burke's Landed Gentry, Ireland, 1899.

Micks: History of the Congested Districts Board.

Ireland's Memorial Records, 1914-1918, 8 Vols.

Revised Reports (set of).



Duffy : Criminal Digest, 1914-1925, Pt. II.  
 Kenny : Criminal Law, 1901.  
 Emmet : Book-keeping for Solicitors.  
 Grant : Law of Banking, 7th Ed., 1924.  
 Public Statutes of the Oireachtas, 1923.  
 Latin for Lawyers.  
 Pease and Chitty : Markets and Fairs.  
 de Colyar : Guarantees, 3rd Ed., 1897.  
 Lightwood : Time Limit on Actions, 1909.  
 Maxwell : Digest, Irish Reports, 1894-1918.  
 Nolan and Kane : Landlord and Tenant,  
 5th Ed., 1898.  
 Norton : Deeds, 1906.  
 Robb : Bankruptcy, 1907.  
 Shannon : Income Tax, Free State.  
 Coulson and Forbes : Waters, 4th Ed., 1924.  
 Hall : International Law, 8th Ed., 1924.  
 Holland : Jurisprudence, 13th Ed., 1924.  
 Jordan : Private Companies, 11th Ed., 1924.  
 Bolton : Housing Working Classes, 1914.  
 Times Atlas, 1922.  
 Robinson : Public Authorities, 1925.  
 Cripps : Compensation, 1922.  
 Brookes : Notary, 1925.  
 Strahan : Digest of Equity, 1924.

Brewer : Dictionary Phrase and Fable.  
 Whittaker's Almanack, 1926.  
 Quin : Winding up of Companies, 1920.  
 Bernard : Irish Church Acts, 1876.  
 Topham : Company Law, 1924.  
 Chaytor : Tithe Rent Charge and Supplement.  
 Belfast and Ulster Directory, 1926.  
 Guy's Cork Directory, 1926.  
 Blyth's Analysis of Snell's Equity, 13th Ed.  
 Kelly's London Directory, 1926.  
 Irish Statutes, 1310-1800.

#### The Society's Calendar.

The Society's Calendar and Law Directory for 1926 can be obtained at the Society's Office, 45 Kildare Street, Dublin, price five shillings ; by post, five shillings and sixpence.

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# THE GAZETTE

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# THE GAZETTE

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## Incorporated Law Society of Ireland.

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### Meetings of the Council.

March 9th.

Twenty Members present.

### Court Officers' Bill.

The Council was specially convened this day to consider the Court Officers' Bill, which had been introduced in the Dail by the Minister for Justice. The provisions of the Bill having been discussed, it was resolved that Parts I. and IV. be referred to the Court and Offices Committee, and Parts II. and III. be referred to the Circuit and Districts Courts Committee; and the Committees having met separately were subsequently to meet jointly to draft amendments, and arrange for an interview with the Minister.

March 18th.

Twenty Members present.

### Resignation.

A letter was read from Mr. P. V. C. Murtagh, of Athlone, resigning his membership of Council owing to his inability to attend its meetings. The resignation was accepted with regret. Mr. W. J. Dwyer, of Roscrea, being first on the Supplemental List, succeeds to the vacancy.

### Court Officers' Bill.

A letter was read from the Secretary, Chamber of Commerce, inviting a representative of the Council of this Society to attend a meeting of the Law and Parliamentary Committee of the Chamber, to discuss the Court Officers' Bill. At the request of the Council the President consented to attend.

### Obituary.

MR. ARTHUR H. ORPEN, Solicitor, died upon the 6th March, 1926, at his residence, Oriel, Stillorgan, County Dublin.

Mr. Orpen served his apprenticeship with his father, the late Sir Richard J. T. Orpen, Dublin; was admitted in Trinity Term, 1852, and practised at 33 Anglesea Street, Dublin, as a member of the firm of Messrs. Orpen and Sweeney until 1924, when he retired.

MR. NICHOLAS SHORTAL, Solicitor, died upon the 12th March, 1926, at his residence, Parliament Street, Kilkenny.

Mr. Shortal served his apprenticeship with Mr. Arthur G. Boyd, Kilkenny; was admitted in Hilary Sittings, 1893, and practised at Kilkenny.



MR. FRANK MAYNE, Solicitor, died upon the 16th March, 1926, at his residence, Warrenhill, Clogher.

Mr. Mayne was admitted in Michaelmas Sittings, 1884, and practised at Clogher.

MR. JOHN MORAN, Solicitor, died upon the 29th March, 1926, at his residence, Upper William Street, Listowel.

Mr. Moran was admitted in Michaelmas Sittings, 1884, and practised at Listowel.

#### New Members.

The following have joined the Society:—

Clérke, William J., Mountmellick.

McDowell, Dermot M., 3 College Green, Dublin.

Ryan, Edward T., Rathdowney.

#### Court Officers' Bill.

A deputation from the Council, consisting of the President and two Vice-Presidents, together with the Secretary, had an interview, on the 26th March, with the Minister for Justice, who was accompanied by Mr. O'Friel, Secretary, in reference to the Court Officers' Bill, which has been read a second time in the Dail. The deputation submitted to the Minister a number of amendments, which were fully discussed, and to which he undertook to give further consideration.

#### War Memorial.

The bronzes of the War Memorial erected in the Solicitors' Buildings, Four Courts, to Irish Solicitors and to Apprentices of Irish Solicitors who gave their lives in the great

War, 1914-1918, were salvaged in good condition from the ruins of the Solicitors' Buildings, and have now been placed in position on the staircase wall in the Society's temporary premises at 45 Kildare Street, Dublin.

#### Library.

The Council acknowledge with thanks the following gifts of books presented to the Society's Library:—

A complete set of the Irish Statutes from 1310-1800. The President (Dr. T. G. Quirke).

A large number of Law Books from Library of the late Lord Justice Ronan. Mrs. MacCarthy Mahony.

Carleton's County Court (1878), and Wright and Hobhouse: Local Government and Local Taxation, England and Wales. Mr. J. Barry Brown.

Chaytor: Tithe Rent-charge, Supplement, 1900. Mr. P. J. Tallan.

Green: Bills of Sale, Ireland. Mr. C. M. Grimes.

Society's Calendars, 1889, 1891, 1892 and 1908. Mr. H. Malley.

Statutes of Ireland, a Collection of. Mr. James Poe.

Statutes of Ireland, a Collection of; Coke on Littleton; Jacob's Law Dictionary, 1773, and Vol. of Statutes, 44 Geo. III. Mr. H. H. Langrishe.

Statutes 1894. Mr. O. P. Beater.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





# THE GAZETTE

OF

## Incorporated Law Society of Ireland.

Vol. XX, No. 1.]

MAY, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XX., No. 1.]

MAY, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS ]

### Annual Subscriptions.

Members are reminded that their annual subscription to the Society became due on the first day of May, as follows:—

Town Members and Country Members of more than three years' standing, entitled to vote at election of Ordinary Members of Council ... ..	£1	0	0
Other Country Members ... ..	0	10	0
Members who have been admitted to the profession under three years ... ..	0	10	0

### Meeting of the Council.

April 15th.

Twenty-two Members present.

### Circuit Court Appeal.

A letter was read from a Country Member drawing attention to the amount of costs a client had been rendered liable to pay as a result of his having instructed notice of appeal to be served against an ejection decree granted in October, which notice had been withdrawn in January before the appeal was listed; the costs of the respondent, of the withdrawn appeal, subsequently ordered to be paid by the appellant being taxed to £23.

The Council directed a reply that the matter did not appear to call for action on their part.

### Court of Examiners.

A report was submitted on an application for leave to be bound under Section 16. The Council refused the application.

### The Four Courts.

The plans for the building of new premises for the Society at the Four Courts, received from the Board of Works, were considered, and also a letter from the Board in reference to the matter, and the terms of a letter in reply were settled.

### Obituary.

MR. EDWARD J. KNIGHT, Solicitor, died upon the 27th March, 1926, at Santa Rosa, California.

Mr. Knight served his apprenticeship with his brother, Mr. Michael E. Knight, Clones; was admitted in Michaelmas Sittings, 1901, and practised at Kells up to 1914, when he went abroad.

MR. ROBERT SCHOLEFIELD, Solicitor, died upon the 3rd April, 1926, at Kingstown, Co. Dublin.

Mr. Scholefield was admitted in Michaelmas Sittings, 1881, and practised at 31 Molesworth Street, Dublin, in partnership with Mr. Arthur J. Beatty, under the style of Moore, Keily & Lloyd.

MR. WILLIAM H. WRIGHT, Solicitor, died upon the 10th April, 1926, at his residence, Mullavilly, Tandragee.

Mr. Wright was admitted in Trinity Sittings, 1884, and practised at Portadown.

MR. JOHN J. LEECH, Solicitor, died upon the 17th April, 1926.

Mr. Leech served his apprenticeship with the late Mr. Michael J. Farrelly, and the late Mr. Wm. J. Morris, 22 Wellington Quay, Dublin; was admitted in Easter Sittings, 1896, and practised at 35 Upper Sackville Street, Dublin, up to 1904, when he retired.

MR. MICHAEL M. KENNY, Solicitor, died upon the 18th April, 1926, at his residence, New Street, Longford.

Mr. Kenny served his apprenticeship with the late Mr. Cornelius Kenny, Longford; was admitted in Michaelmas Sittings, 1897, and practised at Longford.

MR. DOLWAY B. WALKINGTON, Solicitor, died upon the 18th April, 1926, at his residence, 128 Eglantine Avenue, Belfast.

Mr. Walkington was admitted in Trinity Sittings, 1892, and practised at 16 Donegall Square, Belfast.

MR. GEORGE COLLINS, Solicitor, died upon the 22nd April, 1926, at his residence, 49 Upper Mount Street, Dublin.

Mr. Collins was admitted in Trinity Term, 1875, and practised, as a member of the firm of Casey, Clay & Collins, at 21 St. Andrew Street, Dublin.

He was a member of the Council of the Society from 1906 to 1916, and filled the office of Vice-President of the Society during the year 1907-08.

MR. CHARLES O'CONNOR, Solicitor, died upon the 28th April, 1926, at his residence, Westgate, Drogheda.

Mr. O'Connor was admitted in Easter Sittings, 1883, and practised at Drogheda.

#### Solicitors' Benevolent Association.

The Metropolitan Directors of the Solicitors' Benevolent Association presented Mr. F. C. Earle Bland with an address and a silver salver on his retirement from the office of Secretary of the Association, after serving in that capacity for forty years past. The presentation took place on the 7th May, on the invitation of Sir George Roche, Chairman of the Association, at 20 Saint Stephen's Green. The address was read by Dr. Quirke, President of the Incorporated Law Society of Ireland, and the presentation was made by Sir George Roche; and Mr. Bland returned thanks, and expressed his appreciation of the gift and of the address.

#### Land Registry.

##### RECEIPTS FOR REGISTERED MONEY CHARGES —STAMP DUTY—CHANGE OF PRACTICE.

The Revenue Commissioners have notified the Land Registry that in future receipts in Form 16 under the Land Registry Rules lodged for registration containing the words, "and I assent to the cancellation of the said burden on the register," must bear the

ad valorem reconveyance duty of 6d. per £100 of the total amount or value of the money secured by the registered charge.

The Stamp Duty on partial releases of registered charges is 10/-, unless this be greater than the ad valorem duty, in which case the ad valorem duty is accepted.

#### Irish Solicitors' Golfing Society.

The annual competition will be held at Dollymount, on Tuesday, 1st day of June.

The competition will be by strokes—members to play on their lowest handicap. In the afternoon, foursome sweepstakes—members to select partners and opponents.

The Annual General Meeting will be held in the Club House, Dollymount, at 6.30 p.m., on 1st day of June. Nominations for election of officers should be sent to the Secretary in writing ten days before the day of meeting.

#### Library.

The Council acknowledge with thanks the following gift of books presented to the Society's Library:—

Butterworth's Ten Years' Digest, 1898-1907 (4 Vols.), and Butterworth's Yearly Digest, 1908-1913 (6 Vols.) Mr. H. H. Langrishe, Clerk of Crown and Peace, Co. Kilkenny.

#### New Solicitors.

The following have been admitted Solicitors from November, 1925, to April, 1926, inclusive:—

NAME	SERVED APPRENTICESHIP TO
Bergin, Denis J.	.. Wm. H. Dunne, 7 Suffolk Street, Dublin.
Brazil, Joseph	.. W. P. Triston, Dublin, and James O'Brien, Nenagh.
Callan, Thomas R. T.	James H. Murphy, Dundalk.
Cussen, Robert J.	.. Robert Cussen, Newcastle West.
Dowd, John P.	.. George V. Maloney, Cootehill.
Fitzgerald, John D.	.. Michael Buggy, Kilkenny.
Fitzgerald, Martin	.. Howard McN. McCormick, Sligo.
Gaffney, Niall S.	.. James S. Gaffney, Limerick.
Godfrey, William E.	Thomas F. Figgis, 63 Dawson Street, Dublin.
Hunter, William A.	.. Wm. Hunter, 11 Dame St., Dublin.
Lane, James W.	.. Patrick J. Masterson, 53 Dame St., Dublin.
MacGrath, Morris H.	Thomas J. MacGrath and Charles S. Doyle, both of Dublin.
Malone, Anthony J.	.. Charles Daly, 25 Westmoreland St., Dublin.
McMahon, Michael J.	Marcus A. Lynch, 12 Lr. Ormond Quay, Dublin.
Margetson, Edward A.	Samuel R. C. Hemphill, 11 Ely Place, Dublin.



NAME	SERVED APPRENTICESHIP TO
Martin, Derrick M.	William Martin, Monaghan.
Orr, Francis G.	Robert Espinasse, Dundalk, and Charles H. Chaytor, 13 Molesworth Street, Dublin.
Rooney, John D. T.	William T. Clare, 33 Anglesea Street, Dublin.
Ryan, John	James O'Connor, 57 Dame Street, Dublin.

### Examinations Results.

At the Preliminary Examination, held on 19th and 20th April, the following passed the examination, and their names are arranged in order of merit:—

1. Patrick Gallagher.
2. Michael V. Harrington.
3. Fergus J. Power.
4. John J. Walsh.
5. Daniel J. O'Connor.
6. James Doyle.
7. Martin A. Brett.
8. Peter J. O'Connor.
9. Edward W. Warren.
10. William A. M. Lee.
11. John D. Moran.
12. Charles H. Browne.
13. John J. B. Quigley.
14. John N. R. Macnamara.
15. Michael V. Fay.
16. Christopher G. Ross.

Samuel J. Kyle passed the modified Preliminary Examination, for which he had liberty to present himself.

The remaining candidates are postponed. Twenty-two attended: 17 passed; 5 were postponed.

At the Final Examination, held on 21st, 22nd and 23rd April, the following passed the examination, and their names are arranged in order of merit:—

1. Vincent D. Kierans.
2. John Grogan.
3. Christopher McGonagle.
4. Robert T. Falkiner.
5. Gerald C. Redmond.
6. Henry B. C. Moore.
7. Peter Canning.
8. Henry T. Henchy.
9. Vincent P. McGahan.
10. Thomas F. McKeever.
11. John W. O'Gorman.
12. J. Malachi Muldoon.
13. Vincent Connolly, B.A., N.U.I.
14. Joseph M. V. M. McCabe.

The Council awarded a Gold Medal to Vincent D. Kierans.

The remaining candidates are postponed.

Twenty-one attended; 14 passed; 7 were postponed.

### Professorship of Equity, Real Property, and Conveyancing.

The Council will, on Thursday, 24th June, 1926, appoint a Professor of Equity, Real Property Law and Conveyancing, who will enter on his duties next Michaelmas Sittings. The appointment will be made for one year, and the Professor appointed will be eligible for re-appointment for each of the four succeeding years.

A candidate for the Professorship must be either a practising Barrister or a practising Solicitor (in each case of not less than six years standing), and he should send his application on or before the 17th June, to the Secretary, 45 Kildare Street, Dublin.

The duties of the Professor consist of:— Delivering twelve lectures in Michaelmas Sittings, twelve lectures in Hilary Sittings, eighteen lectures in Easter and Trinity Sittings (making in all forty-two lectures in the year); the holding of a *viva voce* examination in the subjects of the lectures, to ascertain if the apprentice be deserving of a certificate of attendance at the lectures; and (when required by the Council) assisting in examining at the Final Examination. The lectures take place on Tuesdays and Fridays, 1 to 2 o'clock, p.m. (or such other days or hour as the Council may fix), at 45 Kildare Street, Dublin.

### Intermediate Examination.

An Intermediate Examination will be held on Tuesday, first day of July, 1926, in the Royal College of Surgeons, Saint Stephen's Green, Dublin, at 10 o'clock, a.m. Notice of intention to attend should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 22nd June.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

V ol. XX, No 2.]

JUNE, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XX., No. 2.]

JUNE, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Half-yearly General Meeting.

The Half-yearly General Meeting of the Society was held on Monday, the 17th May, in the Engineers' Hall, Dawson Street, Dublin. Mr. T. G. Quirke, LL.D., President, occupied the Chair.

The following members were present:—  
L. J. Ryan (Vice-President), J. J. Lynch (Vice-President), A. H. S. Orpen, W. V. Seddall, R. G. Warren, P. Seales, F. G. McKeever, J. Poe, J. G. Reid, D. J. Reilly, W. T. Sheridan, H. K. Toomey, R. Blair White, J. W. Dyas, J. Doyle, R. A. O'Brien, W. H. C. Lloyd, S. Kerr, E. R. McC. Dix, W. Dwyer, E. Condell, J. D. Hollinger, F. Kennedy, T. H. R. Craig, S. M. Bell, E. J. Mallins, H. Malley, E. R. Bate, C. J. Law, V. E. Kirwan, P. Glynn, Q. W. Kennedy.

The Secretary read the notice convening the meeting, and also the minutes of the Half-yearly General Meeting held in November last, which latter were confirmed and signed.

Mr. Lynch, V.-P., moved and Mr. McKeever seconded, and it was resolved, that Mr. W. W. Carruthers, Mr. T. A. Ireland and Mr. E. J. Mallins be appointed Auditors of the Society's accounts for the year ending 30th April, 1926.

The President nominated the following members to act as Scrutineers of the ballot for Council, to be held on 22nd November

next:—Mr. E. F. Collins, Mr. M. Dawson, Mr. R. French, Mr. F. G. Sharpe and Mr. N. Taylor.

THE PRESIDENT, addressing the meeting, said:—Since our last General Meeting there have passed away some prominent and honoured members of the profession. Mr. Barrington Jellett was a member of your Council for some years. Besides the responsibilities of a large professional practice, his activities were many-sided. He was Chairman of the Royal Bank, and was held in high esteem in the world of finance, commerce, and agriculture. Mr. George Collins was a Vice-President of your Council, and it was a matter of regret to his colleagues that, owing to the strain of his professional engagements, he could not be persuaded to take the Presidency. For many years he was one of the leaders of the profession, and his services were always readily given for the general advancement of the members and particularly for those in most need of them. To the end he held the position of Honorary Secretary of the Solicitors' Benevolent Association, and was one of its active supporters. Alike, in the fullness of years and honour, Mr. Arthur H. Orpen has gone from us. For just three-quarters of a century he was a Solicitor, and in active practice up to a short time before his death. The Orpen family has been associated in the highest honour with our profession for the best part of a century. Mr. Orpen's father, Sir

Richard Orpen, was President of this Society for the record period of sixteen years, from 1860 to 1876. We have with us to-day, I am glad to say, two sons of Mr. Orpen, Mr. Charles St. G. Orpen and Mr. Arthur H. S. Orpen, both of whom have occupied this Chair with distinction for themselves and, I may add, with benefit to the profession. But it is not alone in the law that Mr. Orpen has left worthy representatives. Mr. R. Caulfield Orpen is eminent alike in architecture and in art. Another son, Sir William Orpen, R.A., stands to-day almost without a rival as the greatest living portrait painter. And here, parenthetically, may I say how much our profession is indebted to Sir William for his masterpiece, "The Last Lord Chief Justice of Ireland," which he painted for us as a presentation to Sir Thomas Molony, Bart.

In accordance with custom I now ask your attention to some of the principal matters of importance and interest that have occupied your Council since the last General Meeting, and in doing so you will readily understand that, within the limits of time, it is only possible for me to touch on the most important, in broad outline and without detail.

#### Courts of Justice Act and Court Officers' Bill.

Law generally may be divided into two classes: Substantive Law, which defines new rights or alters or modifies existing rights; and Adjective Law, which provides the procedure for aiding and protecting those rights. Whilst we as ordinary citizens are, of course, largely interested in the Substantive Law, as a profession we are more directly concerned in the Adjective Law or procedure. Our new legislature has, from its inception, been very active in respect of the latter branch of law.

The Courts of Justice Act, 1924, made fundamental changes in the establishment of Courts of Justice and the procedure therein. It must be regarded as a novel and great experiment, for the root idea underlying the Act, by largely extending the jurisdiction of Local or Circuit Courts, is the decentralisation of the administration of justice. It is yet too soon to say whether the Act will prove the success that is hoped for, but it

certainly is very debatable whether, in a small country such as the Free State with a widely scattered population, and depending for its prosperity largely on the credit which it is able to maintain not alone abroad, but with its own capital city and large towns, such a system as the Act establishes is desirable. Above all else, the pressing necessity is the establishment of the credit of the Free State, and that creditors, whether at home or abroad, should feel that there is a certain and speedy means of enforcing the obligations of their debtors. Whatever the defects under the old system may have been, there was at least provided by its machinery whereby in cases of contract (and they form by far the largest number of cases in litigation) the creditor could obtain a speedy and effective judgment in the High Court where the debtor made default in appearance to the writ, or where he entered an appearance merely for the purpose of delay, and this remedy was obtainable at a minimum of inconvenience, at small cost and without any undue hardship on the debtor. Of course, that remedy will still exist under the new Rules; but creditors, except for large amounts, will be slow to accept the penalties imposed on them for proceeding in the High Court, where the case is within the limits of the jurisdiction of the Circuit Courts. The new Rules for the several Courts established by the Act have been drafted for some time, and we are assured that they are ready to be brought into operation as soon as the present Bill dealing with the Court Officers has been passed. It is hoped that the Rules in the Circuit Court will at least make provision both for judgments by default of appearance, and for a speedy disposal of those cases where the debtor enters an appearance merely with a view of borrowing time till the next Sessions are held, perhaps at an interval of months.

The Court Officers' Bill at present before the legislature is complementary to the Courts of Justice Act, 1924. As soon as the draft Bill was printed, your Council met specially to consider it; and appointed a Special Committee to deal with it in detail. That Committee accepted the general principles of the Bill, and devoted themselves to such details as would ensure the efficient working of the several offices. The central



idea underlying this Bill appears to be to treat all the officers appointed under it as a branch of the Civil Service, and to make the members of the staff of the several offices interchangeable. To a limited extent the Council agreed this might be practicable, but in the case of some of the principal officers we regarded it as essential for the good working of the department that the principal officer should have a sound knowledge of law, which would be evidenced by his either having a professional qualification or by service in the particular office for a certain number of years. In an especial degree we think this applies to: (1) the office of the Registrar of the Chief Justice, who is in future to have the control of minors and lunatics; (2) the Examiner, who now takes the place of the Chief Clerk of the late Chancery Division; and (3) the Principal Probate Officer, and we submitted amendments accordingly to the Minister for Justice. In company with the two Vice-Presidents and our Secretary I had an interview with the Minister, and we strongly urged on him the importance of this matter, and pointed out that the work done by these particular officers was largely of a judicial nature that could only be properly and efficiently done by a trained lawyer. Whilst we had no desire that the present officers filling these positions should be discharged, we were anxious that in the case of a new appointment the office of Examiner (formerly Chief Clerk) should be filled by a Solicitor or of not less than ten years' standing, or by a person who had some years' experience in the late Chancery Division and the new High Court, and an amendment to that effect was proposed in the Committee stage in the Dail. This was similar to the qualification prescribed for a Chief Clerk (whose work is now taken over by the Examiner) under the Chancery (Ireland) Act, 1867. I regret that this amendment has so far not been accepted by the Minister, although he has agreed that the office of Registrar to the Chief Justice should be filled by a Barrister.

There were several other suggestions for amending the Bill, and some of these were accepted by the Minister. I should like to take this opportunity of thanking him for the patient hearing which he gave our deputa-

tion, and I trust he will yet see his way to accept the amendments which we suggested and which we believe are of vital importance if really efficient machinery is to be provided for taking accounts and inquiries involving of necessity nice points of law.

#### **No Representation in the Senate.**

Here, incidentally, I should like to call attention to the fact that our profession, carrying on as it does a great public service, is greatly hampered in bringing useful constructive criticism on measures such as this, which so intimately concern the administration of justice, in that it has no representative either in the Dail or in the Senate. The Constitution provided that so far as possible the several interests of the community should be represented in the Senate. Art, Literature, Science, Medicine, the Bar, Commerce, Agriculture and Labour, are all more or less represented in the Senate. The Solicitors' profession has not a single representative. This is not as it should be, and we earnestly hope that when next a Senator is to be co-opted the claims of the profession and the advantage of its representation will be fairly considered.

#### **Amendment of the Bankruptcy Laws.**

The Council appointed Mr. Hayes, Mr. Seddall and myself as their representatives at the Conference of the Chamber of Commerce, held to consider amendments in Bankruptcy Law. We attended several meetings of this Conference, and, no doubt, you will have seen in the daily Press the several amendments suggested, and which have been forwarded to the Minister for Justice and the Minister for Industry and Commerce. The principal amendment in the recent suggestions is to make it possible to have a binding agreement for a composition with creditors without the necessity of obtaining the concurrence of every single one of these creditors, the amendment providing that a majority in number and three-fourths in value shall bind the other creditors. Such a provision is very necessary in small cases where the costs of an arrangement through the Courts would be prohibitive.

### Circuit Court Appeals.

The Courts of Justice Act provides for the hearing of Appeals from the Circuit Court Judge by two Judges of the High Court, on the shorthand-writer's note of the evidence taken before the Circuit Court Judge. We have had many complaints that this method of appeal is far from satisfactory. In a conflict of evidence this method of hearing an appeal is valueless, because the Court has no means whatever of discriminating the value of the evidence without seeing the witnesses, and accordingly has, on questions of fact, in nearly all cases no alternative but to affirm the decision of the Circuit Court Judge. If this method is continued it is feared there must be very few appeals except on a question of law, and this is not a desirable state of affairs, especially where the jurisdiction of the Circuit Court has been so largely increased and, consequently, important interests are involved.

### Enforcement of Court Orders Bill.

The Enforcement of Law (Occasional Powers) Act of 1925, expired on 31st March last, and a new Bill of a permanent nature, entitled "The Enforcement of Court Orders Bill," has been passed through its several stages in the Dail. It made no provision to include Orders already made under the previous Acts, and, accordingly, as the Bill stood it would be necessary for a creditor to commence proceedings *de novo* under the new Act. On the representation of your Council the Minister proposes to ask that the Bill shall be amended to meet this objection in the Senate. The new Bill also omitted the making provision for making Rules and prescribing forms for the current proceedings, and this defect the Minister for Justice has also agreed to have set right by amendment in the Senate.

### The Re-building of the Society's Premises at the Four Courts.

As you are aware, the business of the Society is being carried on at present at the house, No. 45 Kildare Street, under an arrangement with the Ministry, until such time as we shall have a permanent home. Since our last meeting we have been informed that it is the intention of the Government

to restore the Four Courts, including the Society's premises. The position of this matter is that we held our former premises at the Four Courts under lease from the Benchers for 999 years, subject to a rent of 1/- a year, and the Benchers in that lease entered into a covenant to maintain the premises. Our remedy, therefore, would be against the Benchers on this covenant; but it has been suggested by the Board of Works, who have the restoration in hands, that we should be allotted premises on a new site which would be practically equal in all respects as regards space to our former buildings, and would contain similar halls, lecture theatre, library, Council chamber, offices and consultation rooms, etc., with the additional advantage that it would be a self-contained building, with a main entrance and also an entrance under cover to the Courts. These plans have been submitted by the Board of Works to us, and in general principle have been approved of by your Council subject to consideration of details. The carrying through of these proposals is contingent on whether our Society can arrive at a satisfactory agreement with the Benchers, as if this is not possible we are entitled to insist on our property being restored on the old site.

### Education.

Believing, as we do, that our status as a learned profession depends largely on the education of its members, we have endeavoured to keep the standard of our examinations—the Preliminary, Intermediate and Final—at a high level, and we in every way encourage our students to attend, not alone our own lectures, but the Law Lectures given in the Universities, and to become members of the Apprentices' Debating Society. I have had the pleasant duty of presiding at one of their meetings, and I am pleased to say the standard of debate, both as regards argument and oratory, was of a high order.

### Northern Law Society and Southern Law Association.

In January last myself and the two Vice-Presidents had the honour of being guests at the Annual Dinner of the Southern Law Association. I believe this is the first time



that your President has been officially invited to Cork, and I gladly availed of the occasion in the hope that such meetings may tend further to cement the bond of union between us and our southern friends. In view of the political partition of our country I am more gratified to learn that our northern brethren contemplate inviting me, as your President, to Belfast. I need scarcely say I shall make it my convenience to go. Many practitioners in Northern Ireland still remain members of our Society, and it should not be overlooked that nearly all our present members are still Solicitors for all Ireland, and entitled to practise in Northern Ireland as well as in the Free State. I hope the friendly relations existing between us and our northern brothers will continue, and may help in some small measure towards a union of the whole country.

#### Membership of the Society.

So many appeals have been made from this Chair to all Solicitors to join the Society that I fear I cannot usefully add anything. In addressing you I realise I am preaching to the converted, but I would urge on you all to induce those who are not members to join. I have often noticed that the most trenchant critics of the work of your Council are not members of the Society. All parts of the country are now well represented on the governing body, and there is no reason why every Solicitor in town or country should not lend a helping hand and in his own interest become a member.

#### Meeting of the Council.

6th May.

Twenty-one Members present.

#### Sale of Court Forms.

A letter in reply was read from the Revenue Commissioners stating that they consider it advisable to defer the matter of extending facilities for the sale of Circuit and District Court stamped forms until the new Rules of Court are available, when the position with regard to the distribution and sale of all stamped Court forms will be reviewed.

#### District Court Instalment Orders.

It was decided to make representations to the Ministry of Justice with a view to securing more convenient arrangements for the hearing of applications for instalment orders before District Justices in country districts.

#### Obituary.

MR. THOMAS J. FURLONG, Solicitor, died upon the 12th May, 1926, at Dublin.

Mr. Furlong was admitted in Trinity Sittings, 1892, and practised at 11 Eustace Street, Dublin.

MR. TIMOTHY J. REGAN, Solicitor, died upon the 22nd May, 1926, at Roscrea.

Mr. Regan served his apprenticeship with Mr. Ernest P. G. Bridge and Mr. Henry P. Bridge, jun.; was admitted in Hilary Sittings, 1923, and practised at Roscrea as a member of the firm of Bridge & Bridge.

MR. JAMES CLARKE, Solicitor, died upon the 27th May, 1926, at Ballymena.

Mr. Clarke served his apprenticeship with Mr. Robert Boal and the late Mr. John K. Currie, Solicitors, both of Ballymena; was admitted in Hilary Sittings, 1901, and practised at Ballymena.

#### Irish Solicitors' Golfing Society.

The Annual Competition was held at Dollymount on the 1st June, in which fifty-four members of the Golfing Society competed. The following was the result:—

J. A. Denning (89, 16, 73), winner of Cup.

P. Glynn (89, 14, 75), second.

W. J. Norman (97, 20, 77), winner of prize for member with handicap of 20 or over).

D. J. Collins (83, 4, 79), best gross.

T. Early (39, 5½, 33½), winner of prize for best 9 holes.

The Foursome Sweepstakes were won by Messrs. Warren and Thompson (all square), Messrs. J. Moore and Denning being second.

The General Meeting was held in the Club House, Mr. Quirke, President, in the Chair.



The following were elected officers for the coming year :—

President—President of the Incorporated Law Society.

Captain—F. D. Darley.

Secretary—H. Horan.

Committee—Messrs. J. Moore, R. G. Warren, Basil Thompson, P. M. Seales, and J. T. Hamerton.

A Dinner was held in the evening, at which forty-six members were present.

It is intended to hold a competition in the autumn, of which due notice will be given.

#### New Members.

The following have joined the Society :—

Godfrey, William E., Wexford.

Jameson, Leopold J., 16 Lr. Sackville Street, Dublin.

Margetson, Edward A., 11 Ely Place, Dublin.

Martin, Derrick M., Monaghan.

O'Reilly, Mrs. D. M., 66 Dame Street, Dublin.

Russell, James A., Ballinasloe.

#### Professorship of Equity, Real Property, and Conveyancing.

The Council will, on Thursday, 24th June, 1926, appoint a Professor of Equity, Real Property Law and Conveyancing, who will enter on his duties next Michaelmas Sittings. The appointment will be made for one year,

and the Professor appointed will be eligible for re-appointment for each of the four succeeding years.

A candidate for the Professorship must be either a practising Barrister or a practising Solicitor (in each case of not less than six years standing), and he should send his application on or before the 17th June, to the Secretary, 45 Kildare Street, Dublin.

The duties of the Professor consist of :—  
Delivering twelve lectures in Michaelmas Sittings, twelve lectures in Hilary Sittings, eighteen lectures in Easter and Trinity Sittings (making in all forty-two lectures in the year); the holding of a *viva voce* examination in the subjects of the lectures, to ascertain if the apprentice be deserving of a certificate of attendance at the lectures; and (when required by the Council) assisting in examining at the Final Examination. The lectures take place on Tuesdays and Fridays, 1 to 2 o'clock, p.m. (or such other days or hour as the Council may fix), at 45 Kildare Street, Dublin.

#### Intermediate Examination.

An Intermediate Examination will be held on Thursday, first day of July, 1926, in the Royal College of Surgeons, Saint Stephen's Green, Dublin, at 10 o'clock, a.m. Notice of intention to attend should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 22nd June.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





# THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XX, No. 3.]

JULY, 1926.

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AMONGST MEMBERS.

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# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XX, No. 3.]

JULY, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Meeting of the Council.

3rd June.

Twenty members present.

### Court Officers' Bill.

This Bill as amended on Report stage in the Dail was considered, and the terms of amendments which the Council decided to seek to have proposed in the Senate were settled.

### Circuit Court Pleadings.

Resolutions were submitted from County Tipperary and King's County (Birr Division) Sessional Bar Association and from the Roscommon Solicitors' Bar, expressing the opinion that there should be no pleadings in the Circuit Courts. The resolutions were referred to the Circuit and District Courts Committee.

### Sheriffs' Fees.

A report was submitted giving particulars of an interview which the Vice-Presidents, Mr. W. Gordon Bradley and the Secretary, had with Mr. Finlay, Secretary of the Ministry of Justice, in reference to a draft Order prepared by the Ministry prescribing scales of Under-Sheriffs' Fees for all Courts.

### Obituary.

MR. WILLIAM J. RYAN, Solicitor, died upon the 1st day of June, 1926, at Jervis Street Hospital, Dublin.

Mr. Ryan served his apprenticeship with Mr. Henry R. E. Disney, Dublin; was admitted in Hilary Sittings, 1906, and practised at 83 Lower Gardiner Street, Dublin.

MR. JOHN LANIGAN, Solicitor, died upon the 16th June, 1926, at Manchester.

Mr. Lanigan served his apprenticeship with the late Mr. John A. Quinn, Dungannon; was admitted in Trinity Sittings, 1901, and practised at Kilkenny.

MR. CROKER BARRINGTON, Solicitor, died upon the 23rd June, 1926, at Redcliffe, Exmouth, Devonshire.

Mr. Barrington was called to the Irish Bar in 1876, and was admitted a Solicitor in 1883. He practised as a member of the firm of Barrington and Son, 10 Ely Place, Dublin, till 1904, when he was appointed Solicitor to the Great Southern and Western Railway of Ireland at Kingsbridge, Dublin, from which position he retired in 1923. From 1892-94 he was a member of the Council.

### Professorship of Equity, Real Property and Conveyancing.

The Council have appointed Mr. John J. Early, Solicitor, to the above Professorship. Mr. Early obtained first place and a silver medal at his Final Examination, and was admitted in Hilary Sittings, 1919.

### Court Officers' Bill, 1926.

The above Bill as passed by both Houses of the Oireachtas can be obtained from Messrs. Eason and Son, 40 and 41 Lower O'Connell Street, Dublin. Price sixpence.

### Circuit Court Pleadings.

The following resolution has been passed by the Council, and copies of it have been sent to the two members of the Circuit Courts' Rules Committee, who represent the Solicitors' profession on that Committee:—

Resolved: "Having regard to the great extension of jurisdiction conferred upon the Circuit Courts by the Courts of Justice Act, 1924, as compared with the former County Courts' jurisdiction, the Council is of opinion that certain pleadings are essential.

The Council is of opinion that the following would be a suitable form of procedure:—

1. Document containing particulars of plaintiff's claim.
2. Document combining appearance and defence and (if any) counterclaim.

"The Council is of opinion that no further document in the nature of a pleading is requisite, and that the plaintiff's Solicitor should serve seven days' notice of trial, and in default that defendant's Solicitor should be at liberty to do so.

"The Council consider that in many cases serious miscarriage of justice might result if the defendant was not bound within reasonable time before hearing to serve a document disclosing the nature of his defence."

### Public Records.

The following is a copy of a letter which has been received from the Assistant Deputy Keeper of Public Records, and the Council invite the attention of members of the Society to the requests contained therein:—

Public Record Office of Ireland,  
Dublin, 14th May, 1926.

Dear Sir,

Might I ask you to bring before the Council of the Incorporated Law Society the urgency

of requesting Solicitors to co-operate in building up again the Public Record Office by presenting it with original probates or letters of administration or certified copies of Records obtained from the Record Office or other Legal Departments, *e.g.* Wills, Grants, Hearth Money and Census Returns, Patents, Chancery and Exchequer Bills and Pleadings, etc.

Plain copies and extracts from Wills, Marriage Licence Bonds and other similar documents, if preserved, would often be of great genealogical interest.

The legal profession and its clients have already suffered irreparable loss through the destruction of the original records which were preserved here, and, under the circumstances, it is of the greatest importance that any substitutes for them which exist should be preserved.

In April, 1924, Government issued an appeal to Solicitors to deposit such documents here, and several have done so. On the whole, however, the response to the appeal was very small. As the indexes in the Record Office have for the most part been salvaged, notation can be made in them of documents presented, which will thus be rendered much more accessible to Solicitors as well as to the general public than if they remain in private custody.

Anyone presenting a Record will be permitted at any time to inspect it, and, if a certified copy of the Record is required, it will be supplied to the donor free of charge. In the case of Solicitors who do not wish to permanently surrender Records in their possession, I shall be greatly obliged if they will deposit them here for a short time to enable Record copies to be made, and the originals will be returned to them. This plan has already been adopted by some Solicitors.

Yours faithfully,

(Signed), JAMES F. MORRISSEY,

Assistant Deputy Keeper of  
Records.

The Secretary,

Incorporated Law Society of Ireland,  
45 Kildare Street, Dublin.



### Irish Bankruptcy Laws.

A conference, consisting of representatives of the Dublin Chamber of Commerce, the Council of the Incorporated Law Society of Ireland, the Institute of Chartered Accountants, the Society of Incorporated Accountants and Auditors, the Dublin Mercantile Association, and the Associations of Chambers of Commerce of the Irish Free State, has made an interim report containing the following recommendations for amendments to be made in the Irish Free State Bankruptcy Laws:—

1. That an undischarged bankrupt shall be guilty of a misdemeanour if he either alone or jointly obtains credit to the extent of £10 or upwards from any person without informing that person that he is an undischarged bankrupt, or if he engages in any trade or business under a name other than that under which he was adjudicated bankrupt without disclosing to all persons with whom he has business such name.

2. That every married woman who carries on a trade or business, whether separately from her husband or not, shall be subject to the Bankruptcy Laws as if she was "feme sole."

3. That the Judge in Bankruptcy shall have power on the Second Private Sitting on arrangement matters to order that goods delivered to the arranging debtor shortly prior to the filing of the petition (and when in the opinion of the Court the arranging debtor must have known he was insolvent), be returned to the party supplying such goods, or be paid in full.

4. That an insolvent trader who has not kept or produced proper books of account shall be guilty of a misdemeanour if the amount of his unsecured liabilities at the date of the Receiving Order exceeds £500, unless he can prove that it would be a hardship or against the custom of the trade to enter such details as may be required.

5. That a Deed of Arrangement authorised at a meeting of creditors at which a majority in number and three-fourths in value of all the creditors who have proved resolve to accept the proposal shall bind all creditors if approved by the Court; subject to the right of any creditor to apply to the Court to set aside the Deed on the grounds that it was not reasonable.

6. That a Trustee under a Deed of Arrangement shall be subject to a penalty if he acts on a Deed void by reason of non-registration or otherwise.

7. That a Trustee under a Deed of Arrangement shall be subject to direct control of the creditors or committee of creditors; his accounts shall be subject to their audit, and at the end of each six months he shall furnish each creditor with a statement of accounts and a report of proceedings to date.

8. That the remuneration of a Trustee under a Deed of Arrangement shall be fixed by the Creditors.

9. That it shall not be legal for any trader to transfer his or her business without giving immediate notice of such transfer in the Official Gazette.

10. That the State shall not be entitled to rank in priority to unsecured creditors in bankruptcy and arrangement matters, except as provided in the Preferential Payments in Bankruptcy (Ireland) Act, 1889.

11. That a return of "No Goods" by a trader shall be equivalent to a declaration of insolvency and be an act of bankruptcy.

12. That in arrangement matters when a preliminary meeting is ordered by the Chief Registrar, such meeting shall be held within fourteen days of taking protection, and that seven clear days' notice of such meeting be sent to all creditors together.

### Partnership.

A partnership has been arranged between Mr. Patrick Rooney, of the firm of Thomas F. O'Connell Rooney & Co., Solicitors, 34 Kildare Street, Dublin, and Mr. Charles A. Doyle, Solicitor, 15 Kildare Street, Dublin, and the business of the partnership will in future be carried on at 34 Kildare Street, Dublin, under the title of "Thomas F. O'Connell Rooney & Co."

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ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.





AUGUST

XX 0

# THE GAZETTE

OF

## Incorporated Law Society of Ireland.

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AUGUST, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS.

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# THE GAZETTE

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Vol. XX, No. 4 ]

AUGUST, 1926.

[ FOR CIRCULATION  
AMONGST MEMBERS

### Meeting of the Council.

15th July.

Twenty-four Members present.

### Court of Examiners.

Reports were submitted on three applications for leave to be bound under Section 16 of the Solicitors (Ireland) Act, 1898. The Council granted two of these applications and the third was refused.

### Adjournment.

The Council adjourned until Thursday, 7th October, unless otherwise specially summoned.

### Obituary.

MR. JOSEPH T. MAXWELL, Solicitor, died upon the 20th May, 1926, at Subiaco, Perth, Western Australia.

Mr. Maxwell served his apprenticeship with his father, the late Sir Patrick Maxwell, Dublin; was admitted in Easter Sittings, 1884, and practised as a member of the firm of Maxwell, Weldon & Co., Dublin, up to the year 1897, when he left this country to reside in Australia.

SIR CHARLES H. BRETT, Solicitor, died upon the 17th July, 1926, at Gretton, Malone, Belfast.

Sir Charles was admitted in Hilary Term, 1861, and practised in partnership with

Mr. Alfred E. Brett, under the style of L'Estrange and Brett, at 9 Chichester Street, Belfast.

MR. JOHN READ, Solicitor, died upon the 18th July, 1926, at Claremount, Carrickmines, County Dublin.

Mr. Read served his apprenticeship with his father, the late Mr. William Read; was admitted in Hilary Term, 1866, and practised formerly in partnership with his father, and after his death with the late Mr. Edward S. Macnab, under the style of Read and Macnab, at 4 Dawson Street, Dublin, up to the year 1921, when he retired.

### Statutes, 1926.

List of Statutes passed by the Oireachtas during the present year:—

1. Courts of Justice.
2. Electricity Supply (Special Powers).
3. River Owenmore Drainage.
4. Medical.
5. Oil in Navigable Waters.
6. Adaptation of Charters.
7. Industrial Trust Company of Ireland, Ltd. (Acquisition of Capital).
8. Acquisition of Land (Allotments).
9. Defence Forces (Temporary Provisions).
10. Police Forces Amalgamation (Amendment).
11. Land.

12. Statistics.
13. Central Fund.
14. Coinage.
15. Street Trading.
16. Protection of the Community (Special Powers).
17. School Attendance.
18. Enforcement of Court Orders.
19. Damage to Property (Compensation) (Amendment).
20. Civic Guard (Acquisition of Premises) (Amendment).
21. Unemployment Insurance.
22. Local Elections (Dissolved Authorities).
23. Deputy Registrar in Bankruptcy (Cork).
24. Increase of Rent and Mortgage Interest (Restrictions).
25. Railways (Existing Officers and Servants).
26. Immature Spirits (Restriction).
27. Court Officers.
28. Appropriation.
29. Road Fund (Advances).
30. Local Government (Collection of Rates).
31. Housing.
32. University Education (Agriculture and Dairy Science).
33. Trade Loans (Guarantee) (Amendment).
34. Local Authorities (Mutual Assurance).
35. Finance.
36. Shop Hours (Drapery Trades, Dublin and Districts.)
37. Juries (Dublin).
38. Betting.
39. Local Authorities (Officers and Employees).
40. Tariff Commission.

#### Examination Results.

At the Intermediate Examination held on 1st July, the following Apprentices passed the examination, and their names are classed and arranged in order of merit :—

##### CLASS I.

1. Charles Louth.
2. William J. O'Meara.
3. Michael Sheehan.
4. Michael L. Carroll.
5. Albert C. Paice.
6. Daniel C. Mangan. } equal.
- James Neville. } equal.
- Edgar J. Ryan. } equal.
9. Gerald M. Counahan. } equal.
- Edward Treacy. } equal.

11. Michael White!
12. Manus R. Regan.
13. Francis Armstrong.
14. Robert McD. Taylor.
15. Joseph Morrissey.
16. Patrick Cusack.
17. Edward G. Fitt, jun. } equal.
- Thomas O'Brien. } equal.
19. Eugene Gallagher. } equal.
- Laurence J. McFadden. } equal.
- Joseph P. Tyrrell. } equal.
22. Patrick J. D. Shaw.
23. Daniel J. O'Mahony.
24. Patrick J. O'Neill. } equal.
- Alexander M. Sullivan. } equal.
26. Patrick J. Kiely.

##### CLASS II.

1. Robert F. Coonan.
2. Thomas E. O'Donnell.
3. Brian P. MacGinley.
4. Muriel H. M. W. Battley. } equal.
- Patrick P. P. O'Shea. } equal.
6. Richard J. MacCarthy.
7. David Fleming. } equal.
- Robert A. Frewen. } equal.
9. Gerald R. C. Oulton.
10. Dominick R. O'Doherty.
11. William M. Powell. } equal.
- Cecil M. C. Winder. } equal.
13. Maria E. I. MacInerney.
14. Aubrey R. Walker.
15. Patrick J. O'Donovan.
16. Patrick C. L. Halpenny.

The remaining candidates are postponed.

Fifty candidates attended: 42 passed; 8 were postponed.

#### October Examinations.

The Intermediate Examination will be held on Monday, 4th October. Notices to be lodged before 20th September.

The Preliminary Examination will be held on Tuesday and Wednesday, 5th and 6th October. Notices to be lodged before 20th September.

The Final Examination will be held on Monday, Tuesday and Wednesday, 11th, 12th and 13th October. Notices to be lodged before 27th September.



**Michaelmas Sittings Lectures.**

The Junior Class Lectures will be delivered at 45 Kildare Street, Dublin, at two o'clock, p.m., on the following dates:—

October 25, 28.

November 1, 4, 8, 11, 15, 18, 22, 25, 29.

December 2.

The Senior Class Lectures will be delivered at 45 Kildare Street, Dublin, at two o'clock, p.m., on the following dates:—

October 26, 29.

November 2, 5, 9, 12, 16, 19, 23, 26, 30.

December 2.

Notice of intention to attend either class of lectures and lecture fee of three guineas should be sent before 20th October, to the Secretary, 45 Kildare Street, Dublin.

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## Incorporated Law Society of Ireland.

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### Ballot for Council.

The Ballot for Election of Council will be held on Monday, 22nd November, from eleven to one o'clock, in the Secretary's Office, 45 Kildare Street, Dublin. Voting papers should reach the Secretary not later than one o'clock on the 22nd November.

### Half-yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock, p.m., on Friday, 26th November, in the offices of the Society, 45 Kildare Street, Dublin.

### Meetings of the Council.

7th October.

Twenty-three Members present.

### Declarations for Bank of England.

A letter was read from a member drawing attention to the requirements as to the making of declarations in the Irish Free State, British Colonies and Dependencies for use in the Bank of England. It was decided to endeavour to have the requirements modified in the case of the Irish Free State so as to admit of the declarations being made before Commissioners for Oaths.

### Circuit Court Rules.

Letters were submitted from members making suggestions of various amendments to be made in the Circuit Court Rules, which Rules had been submitted to the Dail in July by the Minister, but withdrawn by him for further consideration by the Rules Committee.

The Council appointed a Special Committee to consider the Rules and suggested amendments, and to confer with the two representatives of the profession on the Rules Committee.

### Resignation.

A letter was read from Mr. P. J. Meehan resigning his membership of Council consequent on his appointment as County Registrar of Leix. It was ordered that Mr. Harte, being next on the supplemental, be summoned to attend next meeting.

28th October.

Twenty-eight Members present.

### Annual Report.

The draft Annual Report of the Council was considered and adopted.

### High Court Rules.

Questions of practice which have arisen under the High Court Rules were discussed, and the President informed the Council of an interview which he had on the subject with the President of the High Court and the Master.

### Obituary.

MR. JOHN F. WILLIAMS, Solicitor, died upon the 8th August, 1926, at his residence, Tournore, Dungarvan.

Mr. Williams was admitted in Hilary Sittings, 1885, and practised at Dungarvan.



MR. WELLINGTON YOUNG, Solicitor, died upon the 16th September, 1926, at Port-stewart.

Mr. Young served his apprenticeship with his father at Belfast; was admitted in Trinity Term, 1865, and practised at Belfast and Lisburn up to 1925, when he retired.

MR. JOHN M. BEAUMONT, Solicitor, died upon the 17th September, 1926, at his residence, Laureldine, Ballymena.

Mr. Beaumont served his apprenticeship with Mr. Robert Boal and the late Mr. John K. Currie, Ballymena; was admitted in Trinity Sittings, 1901, and practised at Ballymena.

MR. JAMES H. McLOUGHLIN, Solicitor, died upon the 18th September, 1926, at his residence, 42 Pembroke Road, Dublin.

Mr. McLoughlin served his apprenticeship with Mr. J. A. Denning, Dublin; was admitted in Trinity Sittings, 1906, and practised at 18 and 19 College Green, Dublin.

MR. JAMES O'GRADY, Solicitor, died recently at New York, U.S.A.

Mr. O'Grady served his apprenticeship with Mr. Gerald Tench, Dublin, and practised at Newbridge up to 1904, when he went abroad.

MR. WILLIAM J. DUNLEA, Solicitor, died upon the 1st October, 1926, at his residence, 5 Greenville Place, Cork.

Mr. Dunlea was admitted in Trinity Sittings, 1888, and practised at 59 South Mall, Cork.

MR. EDWARD A. SHAW, Solicitor, died upon the 24th October, 1926, at his residence, 28 Earl Street, Mullingar.

Mr. Shaw served his apprenticeship with the late Mr. William Mooney, Dublin; was admitted in Hilary Sittings, 1898, and practised at Mullingar.

#### New Members.

The following have joined the Society:—

MacGrath, Morris H., 15 Kildare Street, Dublin.

Ryan, John, 1 Dame Street, Dublin.

### Land Registry—Registration of Burdens under Deeds.

#### REGISTRATION ACT, 1891, SECTION 45.

#### Concurrence of Registered Owner of Lands.

The attention of Solicitors is called to the provisions of Section 45 of the Registration of Title Act, 1891, requiring the concurrence of the registered owner of lands to the registration of a burden affecting such lands.

Order 4, Rule 21, made under the said Act prescribes that the said concurrence may be expressed in the instrument of charge or may be presumed if after service of a notice in Form 18 no objection be received within the time limited (one week) by the notice.

The ordinary forms of money charges presented for registration as a rule contain words showing that the registered owner of the lands concurs in or assents to the registration of the burden, and in these cases notice is not necessary.

To avoid the necessity of the service of the notice prescribed and the delay in completion of registration so arising, it is recommended that leases and other deeds by a registered owner creating burdens should contain the words: "and I, the registered owner of the lands, hereby assent to the registration as a burden on said folio of the lease, charge, etc., hereby created or made," or similar words.

If a transfer of land by a registered owner also creates charges, rights or privileges in favour of the transferor or other persons, the deed should contain the words: "and I (the transferee) hereby assent to the registration of the said charge in favour of A. B., or of the above-mentioned rights and privileges in favour of C. D., as a burden on the land."

It should be noted that a covenant by a transferee to pay money or to support or maintain a person does not create a burden on the lands transferred. It creates personal rights only. If it is the intention of the parties that support or maintenance or a right of residence should be a burden on the lands, the person to whom the land is transferred should assent expressly to their registration as burdens on it, and, where this assent is given in the deed, he should execute the deed.

**Under-Sheriffs' Fees Order, 1926.**

This Order, which relates to the High Court, the Circuit Court and the District Court, can be obtained from Eason and Son, 40 Lower O'Connell Street, Dublin, price twopence.

**Examination Results.**

At the Preliminary Examination, held on the 5th and 6th October, the following passed the examination, and their names are arranged in order of merit :—

1. Timothy P. Coffey, Jun.
2. Donal J. O'Sullivan.
3. Colin H. Maidment.
4. John Corrigan.
5. James J. O'Hanrahan.
6. Stephen Dempsey.
7. Patrick M. Murray.
8. Francis B. Meagher.
9. Paul Tighe.
10. Peter A. Fitzpatrick.
11. Brendan C. Russell.
12. Edward J. Scott.
13. John C. O'Donnell.
14. Roger G. O'Sullivan.
15. Alexander Marshall.

Seventeen candidates attended : 15 passed, 2 were postponed.

**Preliminary Examinations Prizes, 1926.**

The Council awarded Silver Medals to Timothy P. Coffey, Jun., and Patrick Gallagher, and Special Certificates to Michael V. Harrington, Fergus J. Power and John J. Walsh.

At the Intermediate Examination, held on the 4th October, the following passed the examination, and their names are classed and arranged in order of merit :—

**CLASS I.**

1. Patrick E. Gibbons.
2. Antony A. F. Tatlow.
3. Clohra MacBride.
4. John O'Neill.
5. Michael Vignoles.
6. Bernard Bernstein.

**CLASS II.**

1. Eugene Boland.
2. Patrick J. Kavanagh, Jun.

3. Herman Good.
4. Frederick Butterworth.
5. Nora M. O'Shiel.
6. Daniel F. Williams.
7. Trevor G. B. MacVeagh.
8. Patrick J. McCrann.

Twenty-three candidates attended : 14 passed, 9 were postponed.

At the Final Examination, held on 11th, 12th and 13th October, the following passed the examination, and their names are arranged in order of merit :—

1. James J. Hickey.
2. Patrick J. Loftus.
3. Stephen Maher.
4. Herbert McCloughan } equal.
- Charles J. Robinson }
6. John H. Bergin.
7. John P. McCurtin.
8. Thomas C. Williams.
9. Arthur Kenny.
10. Albert W. Briscoe.
11. Horace Turpin, Jun.
12. Denis F. Moriarty.

The Council awarded a Gold Medal to James J. Hickey, and a Silver Medal to Patrick J. Loftus.

Nineteen candidates attended : 12 passed, 7 were postponed.

**Scholarships, 1926.**

The Findlater Scholarship has been awarded to Vincent D. Keirans, who obtained first place and Gold Medal at the April, 1926, Final Examination. He served his apprenticeship with Mr. Charles J. Laverty, of Castleblayney.

The Overend Preliminary Examination Scholarship has been awarded to Timothy P. Coffey, Jun., who intends serving his apprenticeship with his father, Mr. T. P. Coffey, of Dundalk.

The Overend Final Examination Scholarship has been awarded to Patrick J. Loftus, who served his apprenticeship with Mr. W. J. Norman, of 1 Dame Street, Dublin.

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# THE GAZETTE

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AMONGST MEMBERS

### Half-yearly General Meeting.

The Half-yearly General Meeting of the Members of the Society was held in the Offices of the Society, at 45 Kildare Street, Dublin, on Friday, the 26th November. The Chair was occupied by the President (Mr. T. G. Quirke), and the following Members were also present:—L. J. Ryan (Vice-President), J. J. Lynch (Vice-President), W. G. Bradley, E. H. Burne, T. W. Delany, F. Fottrell, W. S. Hayes, J. E. MacDermott, H. P. Mayne, J. Moore, A. H. S. Orpen, A. D. Orr, P. M. Seales, W. T. Sheridan, P. Tallan, H. Turpin, R. G. Warren, P. J. Brady, C. St. G. Orpen, F. G. Sharpe, H. D. Draper, V. Kennedy, E. N. Edwards, W. S. Barrett, D. B. Gilmore, E. R. McC. Dix, B. R. Doran, J. G. O'Connor, H. R. Whelan, J. R. Cresswell, E. J. Kenny, R. Hayes, A. J. Reddy, J. Brady, E. J. Mallins, E. A. Margetson, Samuel Hayes, S. M. Bell, V. F. Kirwan, F. S. D. Colquhoun, P. J. Sheridan, T. J. Fullerton, R. W. MacNeice, D. M. McDowell, F. D. Darley, G. M. Porter, A. Woodcock, E. Condell, J. P. Collins, Q. W. Kennedy, C. J. Law, J. M. Seales, J. D. Hollinger, F. E. Fetherstonhaugh, J. J. McDonald, J. C. Erskine, F. E. Birmingham.

The Secretary read the notice convening the meeting, also the Minutes of the previous General Meeting, which latter were signed by the Chairman.

The Chairman signed the audited accounts of the Society.

The Secretary read the report of the Scrutineers of the Ballot for Council, which

stated that the following had been returned unopposed as Provincial Delegates:—Munster, J. S. Gaffney; Leinster, M. Buggy; Connaught, H. J. Concanon; and that for Provincial Delegate for Ulster there had been two candidates, who received the following votes respectively—T. Y. Chambers, 24; W. Halpin, 21; and accordingly that T. Y. Chambers had been elected, and W. Halpin to be supplemental.

For the 31 Ordinary members of Council the following had been elected, and received the number of votes placed after their respective names:—T. G. Quirke, 292; E. H. Burne, 270; Peter Seales, 253; J. J. Lynch, 251; W. S. Hayes, 251; P. J. Byrne, 248; H. Turpin, 247; W. G. Bradley, 240; A. H. S. Orpen, 239; F. Fottrell, 239; P. Tallan, 239; J. E. MacDermott, 237; L. J. Ryan, 234; J. J. Duggan, 234; R. G. Warren, 231; W. V. Seddall, 228; C. Gamble, 223; W. T. Sheridan, 218; M. E. Knight, 218; T. W. Delany, 215; D. J. Reilly, 215; James Moore, 213; H. K. Toomey, 209; B. Thompson, 195; W. Martin, 193; W. Dwyer, 187; J. G. Reid, 184; H. P. Mayne, 179; A. D. Orr, 179; James Harte, 172; C. J. Laverty, 172; and the following to form a supplemental list in case of vacancies:—J. E. Wallace, 166; A. Healy, 155; W. Henry, 150.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said:—Since I addressed you last May we have lost through death several members of

the Society. My valued friend and colleague, Mr. F. G. McKeever, of Drogheda, a member of the Council; Mr. Croker-Barrington, a past member of the Council; Sir Charles Brett, Belfast; Mr. John Read, Dublin; Mr. J. H. McLoughlin, Dublin; Mr. Edward A. Shaw, Mullingar; Mr. J. F. Williams, Dungarvan; Mr. W. J. Dunlea, Cork; and Mr. Michael M. Kenny, Longford. We tender to the relatives of each of these our sympathy.

The several matters of importance that have arisen during the past year are so fully dealt with in the Report of the Council that it is unnecessary for me to address you at any length.

#### The Courts of Justice Act, 1924.

The fundamental principle of the Courts of Justice Act, 1924, is the decentralisation of the administration of justice. At our meeting in May last, whilst I stated that your Council and the profession generally would continue to do everything possible to make the new administration and its procedure a success, I ventured to question the wisdom of the Act. It is becoming more manifest every day that if the Irish Free State is to make progress and become really prosperous it can only be done by cultivating friendly relations with England and the world beyond our shores; by extending our trade and commerce, and by broadening and strengthening our credit. That credit can only rest on a sure foundation when it is made clear that there is machinery provided for a certain and speedy enforcement of obligations.

Under the old procedure a creditor for any substantial sum, by taking proceedings in the High Court, could obtain a judgment for his debt in a few weeks at most and at a small cost, which was fixed and reasonable, and at the same time the defendant was amply protected against any chance miscarriage of justice. Under the new system a creditor a merchant in London, Manchester, Glasgow or Dublin is practically compelled, unless his claim exceeds £300, to sue his debtor in the local Circuit Court with all the consequent delay entailed by the fact that that Court only sits at intervals of months, with the great expense of bringing witnesses to a remote country town, and with a further prospect of having to defend an appeal after he has

obtained the judgment of the Circuit Court. This is not likely to encourage wholesale merchants to give credit, and there are not wanting signs that the Act has already had some effect in drying up that credit. No doubt a creditor may institute proceedings in the High Court, but if the amount claimed does not exceed £300, the defendant can always move to transfer the action to the local Circuit Court, and in any event, the plaintiff can only recover the costs payable in respect of a like claim brought in the Circuit Court. Apart from its effect on credit, it cannot be said that so far the Circuit Courts provide a speedy remedy. There are only eight Circuit Courts for the whole of the 26 counties, and in many counties the arrears are accumulating, and with the additional work put upon them by the greatly increased jurisdiction, it is impossible for the Judges to overtake the arrears.

#### Court Officers Act, 1926.

This Act, which is supplementary to the Courts of Justice Act, became law in July last. During its progress as a Bill in Parliament your Council gave close attention to all the provisions of the Bill, and a deputation submitted to the Minister a number of suggested amendments, with a view to insuring that the principal officers to be appointed under the Act should be persons who had skilled knowledge of the work they would have to discharge, evidenced either by their professional standing or gained by their experience in similar offices. Some of the suggestions were adopted by the amendments brought in by the Minister himself, but they did not go so far as the Council desired. One of our great difficulties in dealing with measures of this kind, so intimately affecting the profession, is that these Bills are drafted without any previous consultation with your Council or with any members of the profession, and once so drafted it is difficult to make any impression on the Minister or party responsible for the draft. The effect that the Act had is to make very sweeping changes in the working of the offices attached to the several Courts of Justice. These changes were effected as from 1st October, and as a result a number of the old and experienced officers have



retired. It would be impossible to deal with this Act in any detail within reasonable limits of time, but the cardinal idea is to establish in the High Court one central office and a number of sub-divisions, and to make the staff of these sub-divisions interchangeable. The object apparently aimed at is economy and efficiency. It is too soon yet to say whether these objects will be attained, but at all events your Council will use every endeavour to make the changes successful.

#### High Court and Supreme Court Rules.

Consequent on the passing of the Court Officers Act, the new Rules of the High Court and Supreme Court came into force on 1st October last. These new Rules are comprised within twenty or thirty pages, and, except so far as the practice is altered by them, the former Rules and practice are to prevail.

The principal change effected by the Rules is to establish the important office of the Master of the High Court, with power to hear and dispose of matters heretofore dealt with by one of the Judges, and to give to the Master the general control of the Offices of the Court. As your President I attended several meetings of the Rule-making Authority, and I should like to take this opportunity of thanking the Chief Justice and his colleagues for the invariable courtesy extended to me and the careful and sympathetic consideration with which any suggestions I made in your interest were received. The Schedule of Fees which is annexed to the Rule was prepared by a Special Committee of the Council, and was adopted by the Rule-making Authority without practically any alteration. The Schedule of the Court Fees or stamps payable in connection with the work in the High Court was submitted to me, and the amendments in same which I suggested, after consultation with your Council, were all adopted by the Rule-making Authority. Whilst these Court Fees have been substantially increased, I do not think the general public and the litigants who use the Court can complain that they are excessive. I would only say in passing that these Rules must be regarded as tentative, as, no doubt, anyone can at once

point to defects in them and can make suggestions which would be an easy improvement. But it is undesirable that these amendments should be made piecemeal, and I think the profession would do well to watch developments through your Council, and bring all the proposed changes or amendments before the Rule-making Authority to be dealt with at the same time.

#### Circuit Court Rules.

During the past year a Special Committee, appointed by the Council has devoted much attention to the preparation of the Rules for the Circuit Court. Owing to the largely increased jurisdiction under the Courts of Justice Act it has been necessary to scrap practically the entire body of the old Rules of the County Court. These new Rules—numbering in all some 500 and running into over 150 pages—were finally adopted by the Rule-making Authority and sent to the Minister for Justice in July last, but owing to a controversy about some of these Rules in the Dail the motion for their adoption was withdrawn, and they are still the subject of consideration by the Rules Committee. In the Rules as drafted originally there was no detailed scale of fees, and provision was made until such scale was prescribed that the ordinary costs of the High Court, less one-third, should be those payable in the Circuit Court. At the request of the Minister the Schedule of Fees has now been prepared and is at present under consideration. There has been some division of opinion amongst practitioners in the Circuit Court as to whether there should be pleadings, and the matter having been fully discussed by the Council, we came to the conclusion that in many cases a serious miscarriage of justice might result if the defendant was not bound, within a reasonable time before the hearing, to serve some document in the nature of a pleading stating what was his real defence. The Rules as at present proposed provide for pleadings in actions where the amount claimed exceeds £50, but in actions for amounts not exceeding that sum there is to be no further pleadings after service of the Summons and Claim, unless the Court otherwise orders. In this connection I should like to thank particularly Messrs. W. Gordon



Bradley and John J. Horgan, our representatives on the Circuit Courts Committee, for the care and skill they have shown in dealing with these Rules. The profession is greatly indebted to them. It is hoped that the new Rules will be in force at an early date.

#### **District Court Rules.**

The District Court Rules, prepared by the Committee appointed under the Courts of Justice Act, with the exception of the Rules mentioned in the Report, were adopted by the two Houses of Parliament and came into operation on the 1st October. The Council learn that these Rules are working satisfactorily, and much credit in connection with their preparation is due to our representatives on the Rule-making Authority, Mr. E. H. Burne and Mr. James S. Gaffney, of Limerick.

#### **Appeals from the Circuit Courts.**

I now come to a matter of very grave importance to the profession.

We have received a number of communications from the Sessional Bars and individual Solicitors throughout the country on the subject of Circuit Court Appeals. In the first place, there are a great number of Appeals pending, and the delay in bringing them to a hearing must in many cases result in a miscarriage of justice. An unsuccessful litigant before the Circuit Court Judge has only to lodge a Notice of Appeal to gain a period of several months time before he can be compelled to meet his obligation. The delay is serious enough, but the system of appeal inaugurated by the Courts of Justice Act is even more serious in its results. These Appeals are now heard by two Judges sitting in Dublin on the evidence as transcribed by the shorthand-writer. I do not think it is any disparagement of the shorthand-writer's work to say that it is quite impossible for any shorthand-writer sitting in Court for hours to take an accurate and full note of all the evidence; but even assuming that it is a perfectly accurate transcript of the evidence as given in Court, the Judges sitting to hear the Appeal have not the advantage of seeing the demeanour of witnesses in the box or of testing in any way the value of the

evidence given. Accordingly, except in the case of a question of law, the present system of appeal is almost valueless. Having regard to the greatly increased jurisdiction of the Circuit Court (that jurisdiction extending up to £300), it is more necessary than ever that an Appeal should be in the nature of a full and thorough investigation of the whole case, and we think the only satisfactory method of Appeal, therefore, is a re-hearing before specially appointed Commissioners or a Judge of the High Court sitting at regular intervals in the principal cities and towns in the country. In addition, the present system of hearing an Appeal is far more costly to the litigants than the old procedure of a re-hearing. The present system is slow in working, very expensive to litigants and quite unsatisfactory in the results.

#### **The Society's Premises.**

As you will have seen from the Report, the Board of Works is at present engaged in the re-building of the Four Courts, and has submitted to the Council plans for building new premises for the occupation of this Society. These plans have received our most careful consideration, and I have, with our Secretary, had several interviews with the Chairman of the Board and with their Architect. It is proposed, subject to certain arrangements which we are making with the Benchers for acquiring the fee of our old site and then making a lease of same to the Board of Works, to give us a new building for the exclusive occupation of the Society on the site formerly occupied by the Stamp Office, the Taxing Office and part of the Bankruptcy Buildings. We shall have similar halls, Library and rooms, and similar accommodation to what we had in our old premises, with the advantage that we shall have what I hope will be a handsome building with covered access to the Courts and the Law Library, and which building will be for our exclusive use, with no rights of way or passage as in our old quarters. The general plans have been approved, and the detailed work will be supervised by our own architect. I should like to say a word of thanks to the Chairman of the Board of Works and their architect for the way they have met any suggestion from this Council.

### The Northern Law Society.

About a week ago myself and the two Vice-Presidents were the guests of the North of Ireland Solicitors in Belfast, and we have had the pleasure of entertaining the President of the Northern Law Society and the President of the Northern Law Club in Dublin. I only desire to say our relations with our Northern brethren are of the most cordial and friendly nature, and an artificial boundary created by politics has made no difference amongst us. There are not wanting signs that through the friendly meetings of the professional societies and the Chamber of Commerce that the true union of all Irishmen, which we all so much desire, may be ultimately and perhaps very soon attained.

I beg to move the adoption of the Report of the Council.

MR. L. J. RYAN, Vice-President, seconded the resolution.

MR. JAMES BRADY expressed his agreement with what the President had stated in reference to the state of business brought about by the delays in the hearing of the Appeals from the Circuit Court. He said he saw no improvement in the procedure of the Circuit Courts as compared with the former Courts, but he supposed we must wait and see what the Circuit Court Rules will bring about.

THE PRESIDENT put the resolution and it was passed unanimously.

MR. RYAN, Vice-President, having taken the chair,

MR. TURPIN moved a resolution conveying a hearty vote of thanks to the President, and

MR. MACDERMOTT seconded the resolution, which was passed with acclamation.

THE PRESIDENT returned thanks.

### Obituary.

MR. FRANCIS G. MCKEEVER, Solicitor, died upon the 10th November, 1926, at his residence, Bettystown House, Laytown.

Mr. McKeever served his apprenticeship with Mr. William S. Hayes, Dublin; was admitted in Hilary Sittings, 1898, and practised at Drogheda.

He was a member of the Council of the Society, and had been the Society's Professor of Equity, Real Property Law and Conveyancing during the years 1917 to 1921.

MR. GEORGE M. KNOX-PEEBLES, Solicitor, died upon the 16th November, 1926.

Mr. Knox-Peebles served his apprenticeship with the late Mr. R. W. Peebles, Dublin; was admitted in Michaelmas Sittings, 1893, and practised (in partnership with Mr. David R. Pigot) at 21 Kildare Street, Dublin, under the style of Peebles, Knox and Pigot.

MR. GERALD R. FITZGERALD, Solicitor, died upon the 30th November, 1926, at his residence, 60 Blessington Street, Dublin.

Mr. Fitzgerald was admitted in Trinity Sittings, 1882, and practised at 60 Blessington Street, Dublin.

MR. CHARLES KIRKPATRICK, Solicitor, died upon the 3rd December, 1926, at his residence, Eglinton Road, Dublin.

Mr. Kirkpatrick was admitted in Michaelmas Sittings, 1885, and practised at Mohill until 1907, when he was appointed Registrar to the Recorder of Dublin, which office he filled until 1924.

### The President.

The Council have elected Mr. William T. Sheridan, of 24 Eustace Street, Dublin, to be the President of the Society for the ensuing twelve months. The newly-elected President was admitted in Hilary Sittings, 1880, he was elected a member of the Council in 1913, and was a Vice-President of the Society in 1918-19.

### The Vice-Presidents.

The Council have elected Mr. Frank Fottrell, of 46 Fleet Street, Dublin, and Mr. Patrick J. Tallan, of Drogheda, to be the Vice-Presidents of the Society for the ensuing twelve months.

### Society's Calendar and Law Directory for 1927.

Members are requested to send to the Secretary, 45 Kildare Street, note of any change of address, or change of membership of firm, immediately on receipt of this GAZETTE.



**Library.**

The Council acknowledge with thanks the gift of the following books from the representatives of the late Mr. W. J. Ryan, Solicitor, per Mr. D. J. Reilly, Solicitor:—

Irish Law Times Digest, 1867-1893.

Irish Law Times, Vols. 40-58.

New Irish Jurist, Vols. 1-5.

The Council would be glad to acquire for the Library the following volumes of Irish Law Times to complete the set:—Volumes 1868-1870, inclusive, and Volumes 1875-1887, inclusive.

**Lectures, Hilary Sittings, 1927.**

The Junior Class Lectures will begin on Thursday, 13th January. The lectures will be delivered in the Royal College of Surgeons. There will be twelve lectures during Hilary Sittings delivered on Mondays and Thursdays at two o'clock, p.m.

The Senior Class Lectures will begin on Tuesday, 11th January. The lectures will be delivered at 45 Kildare Street. There will be twelve lectures during Hilary Sittings, delivered on Tuesdays and Fridays at two o'clock, p.m.

**LAND PURCHASE TABLES**

UNDER LAND ACT, 1923.

Tables showing Judicial Rents, Standard Purchase Annuity, Price payable to Tenant and Price payable to Owner on all Judicial Rents.

By **GEORGE M. MEARES, Solicitor.**

5/- nett.

Publishers:

**HELY'S LIMITED, Dame Street, DUBLIN.**

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.







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 Incorporated  
 Vol. XX, No. 7

# THE GAZETTE

OF

## Incorporated Law Society of Ireland.

Vol. XX, No. 7.]

JANUARY, 1927.

[ FOR CIRCULATION  
 AMONGST MEMBERS.

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JANUARY, 1927.

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### Solicitors' Annual Certificates.

Members are reminded that their Annual Certificates for the year ending 5th January, 1928, should be taken out, and the duties paid thereon, before 6th February, 1927.

The Certificates of Solicitors whose offices are situate in the Irish Free State are issued in the Office of the Incorporated Law Society of Ireland, 45 Kildare Street, Dublin, and the duties thereon are payable at the Stamp Office, Law Courts, Dublin Castle.

The Certificates of Solicitors whose offices are situate in Northern Ireland are issued in the Office of the Incorporated Law Society of Northern Ireland, 35 Royal Avenue, Belfast, and the duties thereon are payable at the Inland Revenue Office, Belfast.

NOTA A. H. O. R. I. O. P. O.  
S. R. E. A. M. I. N. I. A. T. I. O. N. I. A.

### Meetings of the Council.

2nd December.

Twenty-one Members present.

#### Council Meetings.

It was resolved to continue the holding of the Council Meetings on Thursdays, at half-past two o'clock, p.m., with intervals of three weeks between each meeting.

#### Provincial Delegate.

A letter was read from Mr. T. Y. Chambers, Bailieborough, resigning his membership of the Council as Provincial Delegate for Ulster. The resignation was accepted; Mr. W. H. Halpin, Cavan, being supplemental, succeeds to the vacancy.

9th December.

Twenty-four Members present.

#### Election of President and Vice-Presidents.

The Council elected Mr. W. F. Sheridan to be President of the Society, and Mr. F. Fottrell and Mr. P. J. Tallan to be Vice-Presidents of the Society for the ensuing twelve months.

#### Extra-Ordinary Members.

The names of the following were submitted by the Southern Law Association to serve as Extra-Ordinary Members of the Council for the year ending 26th November, 1927:—  
Mr. Charles Jermyn, Mr. J. J. Horgan, Mr. P. J. Kavanagh, Mr. C. J. Lane, and Mr. William Murphy.

16th December.

Nineteen Members present.

#### Examinations.

The matter of the revision of the courses for Intermediate and Final Examinations for 1928 was referred to the Court of Examiners for consideration and report.

#### Compensation for Damages Proceedings.

A letter was read from a country member drawing attention to questions arising on the taxation of the costs of Solicitors who appeared for County and District Councils on the hearing of claims for compensation for damages, and the matter was referred to the Costs Committee.



**Committees.**

The Court of Examiners and the Committees of the Council were appointed.

**Obituary.**

MR. JOHN SIMMONS, Solicitor, died upon the 31st December, 1926, at his residence, 48 Lebanon Park, Twickenham, London.

Mr. Simmons was admitted in Hilary Term, 1874, and practised formerly in Dungannon (in partnership with Mr. R. B. Meglaughlin) under the style of Simmons and Meglaughlin, and subsequently at 10 Leinster Street, Dublin, up to 1915, when he retired.

**New Members.**

The following have joined the Society:—

John Grogan, 58 Rutland Square, Dublin.

James A. Power, Carrick-on-Suir.

**List of Statutes passed by the Oireachtas during the year 1926.**

1. Courts of Justice.
2. Electricity Supply (Special Powers).
3. River Owenmore Drainage.
4. Medical.
5. Oil in Navigable Waters.
6. Adaptation of Charters.
7. Industrial Trust Company of Ireland, Ltd. (Acquisition of Capital).
8. Acquisition of Land (Allotments).
9. Defence Forces (Temporary Provisions).
10. Police Forces Amalgamation (Amendment).
11. Land.
12. Statistics.
13. Central Fund.
14. Coinage.
15. Street Trading.
16. Protection of the Community (Special Powers).
17. School Attendance.
18. Enforcement of Court Orders Act.
19. Damage to Property. (Compensation) (Amendment).
20. Civic Guard (Acquisition of Premises) (Amendment).
21. Unemployment Insurance.
22. Local Elections (Dissolved Authorities).
23. Deputy Registrar in Bankruptcy (Cork).
24. Increase of Rent and Mortgage Interest (Restrictions).
25. Railways (Existing Officers and Servants).
26. Immature Spirits (Restriction).
27. Court Officers.
28. Appropriation.
29. Road Fund (Advances).
30. Local Government (Collection of Rates).
31. Housing.
32. University Education (Agriculture and Dairy Science).
33. Trade Loans (Guarantee) (Amendment).
34. Local Authorities (Mutual Assurance).
35. Finance.
36. Shop Hours (Drapery Trades, Dublin and Districts).
37. Juries (Dublin).
38. Betting.
39. Local Authorities (Officers and Employees).
40. Tariff Commission.
41. Civil Service Regulation (Amendment).
42. Public Safety (Emergency Powers).
43. Expiring Laws.
44. National Health Insurance.
45. Wireless Telegraphy.

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AMONGST MEMBERS

### Meeting of the Council.

13th January.

Nineteen Members present.

### Extra-ordinary Members.

The names of the following were submitted by the Incorporated Law Society of Northern Ireland to serve as Extra-ordinary Members of the Council for year ending 26th November, 1927:—Mr. Joseph I. Donaghy, Mr. J. Allen, Mr. S. G. Crymble, Mr. J. B. McCutcheon, and Mr. S. Ross.

### Statutory Committee.

A letter was read from the Chief Justice appointing the following Members of the Council to be the Statutory Committee for year ending 26th November, 1927:—Mr. Sheridan, Mr. MacDermott, Mr. Moore, Mr. Orpen, Mr. Quirke, Mr. Tallan and Mr. Warren.

### Bankruptcy and Winding-up of Companies Laws.

A letter was read from the Secretary of the Department of Industry and Commerce stating that the Minister proposes to appoint a Commission to consider whether amendments in the law and procedure relating to Bankruptcy and the Winding-up of Companies are desirable, and requesting the President and Council to nominate three members of the Society to act on the Commission. The Council nominated the President, Mr. Seddall and Mr. Basil Thompson.

### Inland Revenue Adjudications.

The Council having directed a letter to be written to the Solicitor of the Revenue Commissioners drawing attention to the inconvenience caused to the profession by reason of the letters requesting Solicitors to call at the Inland Revenue Office in reference to queries, not containing a statement as to nature of the query, or specifying the document (if any) required to be produced, a letter was read from the Solicitor of the Revenue Commissioners in reply stating that he had given instructions to the officers concerned to meet the objection referred to.

### Obituary.

MR. LEWIS F. SMITH, Solicitor, died upon the 3rd January, 1927, at Birkdale, Southport.

Mr. Smith was admitted in Michaelmas Sittings, 1892, and practised at 13 St. Stephen's Green, North, Dublin, up to 1918, when he retired.

MR. EDWARD MOORE, Solicitor, died upon the 7th January, 1927, at his residence, 54 Leeson Park, Dublin.

Mr. Moore served his apprenticeship with his father, the late Mr. W. M. Moore, was admitted in Michaelmas Term, 1874, and practised at 8 Anglessea Street, Dublin, in partnership with his brother, Mr. James Moore, under the style of W. M. Moore & Son.

MR. THOMAS ORMSBY, Solicitor, died upon the 8th January, 1927, at his residence, Beaumont, Blackrock, Co. Dublin.

Mr. Ormsby was admitted in Easter Term, 1866, and practised for some years prior to his retiring in 1921, at 16 Lower Sackville Street, Dublin, in partnership with Messrs. R. N. Matheson and Albert E. Prentice, under the style of Matheson, Ormsby and Prentice.

MR. SAMUEL EASTWOOD, Solicitor, died upon the 22nd January, 1927.

Mr. Eastwood was admitted in Trinity Sittings, 1904, and practised at 4 Upper Ormond Quay, Dublin.

MR. ROBERT A. MULLAN, Solicitor, died upon the 26th January, 1927, at his residence, Cairn Hill, Newry, Co. Down.

Mr. Mullan was admitted in Hilary Term, 1869, and practised at Newry, in partnership with his son, Mr. Frederick H. Mullan, under the style of R. A. Mullan & Son.

MR. GERALD DALY, Solicitor, died upon the 28th January, 1927, at his residence, Carrickbeg, Ballymahon, Co. Longford.

Mr. Daly served his apprenticeship with Mr. T. W. Delany, Longford; was admitted in Michaelmas Sittings, 1918, and practised at Ballymahon.

#### Circuit Court Appeals.

The following resolution was passed by the Council on 3rd February, and a copy directed to be sent to the Minister for Justice:—

Resolved:—“That in the opinion of the Council of the Incorporated Law Society of Ireland it is urgently desirable, for the better administration of justice in the Saorstát, that appeals from Circuit Courts should be heard on the oral evidence of witnesses and not on stenographers' notes, and that the hearing should take place locally and not in Dublin, and the Council earnestly hope that the Minister for Justice will at an early date introduce legislation amending the Courts of Justice Act, 1924, so as to give effect to the views contained in this resolution.”

#### The Society's Calendar, 1927.

The Calendar and Law Directory of the Society for 1927 can be obtained at the Society's Office, 45 Kildare Street, Dublin, price five shillings; by post, five shillings and sixpence.

#### April Examinations, 1927.

The Final Examination will be held on 4th, 5th and 6th days of April, 1927. Notice of intention to attend should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 22nd March.

The Preliminary Examination will be held on 11th and 12th days of April, 1927. Notice of intention to attend should be lodged in the Secretary's Office, 45 Kildare Street, Dublin, before 29th March.

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### Meeting of the Council.

24th February.

Twenty-one Members present.

### Land Registry.

The President informed the Council of steps he had taken, at the request of the Council, in reference to the delay in the appointment of additional surveyors to carry out the work of replacing maps which had been destroyed in 1922 at the Land Registry, Four Courts. He stated that two additional surveyors had now been sanctioned by the Ministry of Finance, one of whom had been appointed and was engaged at the work.

### High Court Rules.

The President informed the Council that a deputation from the Council had an interview with the President of the High Court, with the result that the President of the High Court had requested the Chief Justice to convene a meeting of the High Court Rule-making Committee for the purpose of considering the request of the Council that Order XV. of the High Court Rules should be amended. The President further stated that he had attended the meeting of the High Court Rules Committee, at which, at his request, the Rules Committee made a rule amending Order XV., Rule 1, dispensing with the necessity of serving an affidavit with

the summons. This amending rule has been forwarded to the Minister for Justice with a request that he will submit it to both Houses of the Oireachtas.

### Circuit Court Appeals.

It was resolved that the Minister for Justice be requested to receive a deputation from the Council to discuss the request of the Council that pending and future Circuit Court Appeals should be heard on oral evidence by way of re-hearing, and locally, and that the Circuit Court Appeals Bill should be amended to give effect to this request.

A resolution was submitted from the Limerick Sessions Bar in support of the re-hearing of Circuit Court Appeals on oral evidence and locally.

### Circuit and District Court Affidavits.

A resolution was received from the Mayo Sessions Bar in favour of Peace Commissioners being enabled to take affidavits for use in Circuit and District Courts. The Council passed a resolution in favour of the District Court Rules being amended so as to permit of affidavits for those Courts being sworn before Peace Commissioners, and directed that the representatives of the profession on the District Court Rules Committee be informed of this resolution.

**The Lane Pictures.**

In response to a request contained in a letter from "The Friends of the National Collections of Ireland," the Council passed a resolution expressing the hope that the collection of pictures which belonged to the late Sir Hugh Lane will be given to Ireland.

**Juries Bill, 1927.**

A report on the Juries Bill was submitted and approved.

**Land Bill, 1927.**

A letter in reply was read stating that the Minister for Lands and Agriculture would move an amendment in Committee providing that the President of this Society should be consulted in the making of rules under the Act.

**Intoxicating Liquors Bill, 1927.**

A letter was read from the Secretary of the Ministry for Justice stating, in reply, that the Minister is advised that the parties mentioned in Sections 34 (5), 35 (4), and 36 (2) will be entitled to be legally represented at the hearings referred to in the Sections. It was ordered that a further letter be written requesting that the Minister should in Committee have the Sections amended so as to remove any doubt on the matter.

**Obituary.**

MR. CHARLES A. STANUELL, M.A., Solicitor, died upon the 2nd February, 1927, at 16 Emperor's Gate, South Kensington, London.

Mr. Stanuell served his apprenticeship with his father, the late Mr. Charles G. Stanuell; was admitted in Hilary Term, 1877, and practised formerly at 5 Dawson Street, Dublin, in partnership with his father, and subsequently at 137 St. Stephen's Green, Dublin, in partnership with Mr. T. A. Ireland, under the style of Stanuell & Son, up to 1920, when he retired.

He was a member of the Council of the Society from 1885 to 1914, and was President of the Society for the year 1901-02.

MR. COURTNEY JOHNSTON, Solicitor, Lurgan, died in February, 1927.

Mr. Johnston was admitted in Michaelmas Sittings, 1888, and practised at Lurgan.

MR. MATTHEW WYLIE, Solicitor, died upon the 9th February, 1927, at his residence, Cranford, Osborne Park, Belfast.

Mr. Wylie was admitted in Hilary Term, 1874, and practised at 11 Chichester Street, Belfast.

He was appointed Crown Solicitor for the County of Down in 1903, and held this office until 1919, when he retired.

MR. WILLIAM P. KELLY, Solicitor, died upon the 28th February, 1927, at his residence, 23 Summerhill, Dun Laoghaire, Co. Dublin.

Mr. Kelly was admitted in Hilary Term, 1875, and practised at Athlone, in partnership with Mr. Henry J. Walker, under the style of W. P. Kelly & Walker.

He was Provincial Delegate on the Council of the Society for the Province of Connaught from 1889 to 1914.

**Circuit Court Appeals.**

Having regard to the disposal of pending Circuit Court Appeals by Commissioners, it is advisable that Country Solicitors should immediately furnish their Dublin Agents with particulars of pending appeals in which they may be interested, so that they may receive information as to the listing of the appeals for hearing.

**The Society's Calendar, 1927.**

The Calendar and Law Directory of the Society for 1927 can be obtained at the Society's Office, 45 Kildare Street, Dublin, price five shillings; by post, five shillings and sixpence.



## Land Registry.

The Land Registry Rules of 1910 are out of print, and as there have been recent enquiries by members for the Schedule of Office Fees payable in proceedings under the Local Registration of Title (Ireland) Act, 1891, the Schedule is re-produced hereunder.

## APPLICATIONS.

	£	s.	d.
1. (a) Applications for first Registration (Freehold) on Discharge of Equities— Where the value does not exceed £100 ... ..	0	10	0
For every additional £100 or part thereof ... ..	0	5	0
(b) Applications for first Registration of a Leasehold Title ... ..	0	10	0

## DEALINGS.

2. (a) Transfers.			
(b) Burdens (other than leases. See Item 4).			
(c) Transmissions on death— Where the value does not exceed £50	0	5	0
Where the value exceeds £50 but not £100 ... ..	0	7	6
Where the value exceeds £100 but not £200 ... ..	0	10	0
For every additional £100 or part thereof up to £1,000 ... ..	0	5	0
For every additional £100 or part thereof exceeding £1,000 ... ..	0	2	6
3. Cancellation of Burdens (other than leases)— Where the value does not exceed £100 ... ..	0	5	0
Where the value exceeds £100 but not £200 ... ..	0	7	6
Where the value exceeds £200 ... ..	0	10	0
4. Leases (whether as burdens or on cancellation) ... ..	0	10	0
5. Cautions, Inhibitions, Lis Pendens, Crown Bond Recognizance, Presentation of Petition in Bankruptcy, and registering Assignees in Bankruptcy	0	7	6
6. Making any note or entry other than above ... ..	0	5	0

## CERTIFICATES, COPIES, EXTRACTS.

7. Certificate of Official Search ... .. For each ownership returned after the first ... ..	0	10	0
0	1	0	
8. Land Certificate, or Certificate of Title (save where issuable free under any Statute) ... ..	0	10	0
For bringing the Land Certificate into conformity with the Register on any subsequent transaction in relation to the land requiring registration ... ..	0	1	0

	£	s.	d.
9. Certificate of Charge ... .. For bringing the Certificate of Charge into conformity with the Register on any subsequent transaction in relation to the charge requiring registration ... ..	0	5	0
0	1	0	
10. Any other Certificate ... ..	0	5	0
11. Sealed copies of Folios of the Register or of filed Instruments, Affidavits or Orders. Minimum fee ... .. In addition, scrivenery charges are payable at the rate of 6d. for each folio of 72 words exceeding five folios. For re-certifying and re-sealing copy Folios where no additional entries made ... .. Where additional entries are made, scrivenery charges as above are also payable for each additional folio of 72 words exceeding two.	0	2	6
0	1	0	
12. Certified extracts from Register (showing subsisting entries only) ... ..	0	5	0
13. Comparing duplicate documents with documents filed in office (per 72 words)	0	0	1

## COURT.

14. Filing Notice of Motion ... ..	0	2	6
15. Filing Affidavit, Consent, etc., required for use in Court Motions, etc. ... ..	0	1	6
16. Entry of Order of Court or Registrar (exclusive of scrivenery charges at the rate of 6d. per 72 words) ... ..	0	5	0
17. Issuing Writ or Summons ... ..	0	2	0
18. Requisition to produce a folio of the Register, or a filed Instrument in Court (exclusive of outlay) ... ..	0	10	0
19. Inspection at Local Office of Instruments filed in Central Office ... ..	0	5	0

## MAPS.

20. Certified copy Map—the cost of preparation. Minimum fee ... ..	0	7	6
21. Certificate of Boundaries ... .. With an additional fee of 1s. for each townland exceeding three comprised in the map to be certified.	0	5	0

## MISCELLANEOUS.

22. Filing Deeds other than those in the prescribed form ... ..	0	10	0
23. Requisition to close the Register where title voluntarily registered ... ..	2	0	0
24. Search docket entitling holder to search the Indexes, Registers, Instruments or Maps relating to any one title in any one day ... ..	0	1	0

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, 45 Kildare Street, Dublin.



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AMONGST MEMBERS.

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# THE GAZETTE

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### Meetings of the Council.

16th March.

Nineteen Members present.

### High Court Orders.

The Council had before them specimens of paper for copies of High Court Orders, in reference to the suitability of which the Master of the Court invited the views of the Council. The Council approved of a specimen submitted.

### District Court Affidavits.

Letters in reply were read from the two representatives of the profession on the District Court Rules Committee, in reference to the suggestion that Peace Commissioners should be authorised to take affidavits for the District Courts.

### Half-yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock, p.m., on Monday, 16th May, 1927, at 45 Kildare Street, Dublin.

### Obituary.

MR. ROBERT DEYOS, Solicitor, died upon the 1st March, 1927, at his residence, Riversdale, Sunday's Well, Cork.

Mr. Deyos was admitted in Michaelmas Term, 1870, and practised at 29 South Mall, Cork.

MR. RICHARD NEVILLE, Solicitor, died upon the 8th March, 1927, at his residence, Kilbrogan Hill, Bandon, Co. Cork.

Mr. Neville was admitted in Hilary Sittings, 1889, and practised at Bandon.

MR. HENRY E. THOMPSON, Solicitor, died upon the 14th March, 1927, at his residence, Castle Lugg, Greenisland, Co. Antrim.

Mr. Thompson served his apprenticeship with Mr. Henry F. Leachman, 1 College Street, Dublin; was admitted in Hilary Sittings, 1910, and practised at 1 College Street, Dublin, up to 1925, when he went to 7 Bedford Street, Belfast.

MR. GEORGE A. ATKINSON, Solicitor, died upon the 18th March, 1927, at his residence, Skea Hall, Enniskillen.

Mr. Atkinson was admitted in Trinity Sittings, 1881, and practised at Enniskillen up to 1919, when he retired.

### New Solicitors.

The following have been admitted Solicitors from May, 1926, to April, 1927, inclusive:—

Name	Served Apprenticeship to
Bergin, John H.	Michael Bergin, Dublin, and Michael J. Howley, Sligo.
Briscoe, Albert W.	Esmonde A. Power, Castlerea.
Canning, Peter	Patrick J. O'Hagan, Dundalk.
Connolly, Vincent	Edward Phelan, Carrickmacross.
Falkiner, Robert T.	Richard B. Falkiner and Richard Fitzsimmons, both of Dublin.



<i>Name</i>	<i>Served Apprenticeship to</i>
Grogan, John	James Fagan, 58 Rutland Square, Dublin.
Henchy, Henry T.	Thomas F. Crozier, 14 Ely Place, Dublin.
Hickey, James J.	Thomas B. Dunbar, Enniscorthy, and Daniel P. Blayney, Naas.
Keirans, Vincent D.	Charles Laverty, Castleblayney.
Kenny, Arthur	John O'Dwyer, Tipperary.
Loftus, Patrick J.	William J. Norman, 1 Dame Street, Dublin.
Maher, Stephen	John P. Dillon, 25 Suffolk Street, Dublin.
McCabe, Joseph M.	
V. M.	James J. McCabe, Cork.
McCloughan, Herbert	William Kelly, Letterkenny.
McCurin, John P.	Lughaidh P. Gleeson, Nenagh.
McDowell, Maureen	John M. McDowell and Dermot M. McDowell, 3 College Green, Dublin.
McGahan, Vincent P.	Henry Murphy, Clones.
McGonagle, Christopher	Christopher Friery & Thomas Early, both of Dublin.
McKeever, Thomas F.	Francis G. McKeever, Drogheda.
Muldoon, J. Malachi	Admitted under Sec. 29, Solicitors (Ireland) Act, 1898.
O'Gorman, John W.	Edward A. Ryan, Dungarvan.
Robinson, Charles J.	Henry E. Thompson and Charles Magwood, both of Dublin.
Turpin, Horace (Jun.)	Charles G. Gamble, 39 Fleet Street, Dublin.
Williams, Thomas C.	John F. Williams, Dungarvan, and Francis Murphy, Clonmel.

### Library.

The following books have been added to the Library since March, 1926 :—

Northern Ireland Statutes, 1925.  
 Ringwood : Torts, 5th Ed., 1924.  
 Stone's Justices' Manual, 1926.  
 Underhill : Torts, 11th Ed., 1925  
 Williams : Personal Property, 18th Ed., 1926.  
 English and Empire Digest, Vols. 26-32.  
 Freeman : Laws affecting Dogs and their Owners, 1909.  
 Key and Elphinstone : Conveyancing, Vol I., Pt. I., and Vol. II., Pt. I. (12th Ed.)  
 Scrutton : Charterparties, 12th Ed., 1925.  
 Eversley : Domestic Relations, 4th Ed., 1926.  
 Tristram and Coote : Probate Practice, 16th Ed., 1926.  
 Public General Statutes, 1924-5.  
 Butterworth's Yearly Digest, 1908-1913.  
 Browning and Smith : Registration of Title, 1912.

Battersby's Pocket Pleader, 2nd Ed., 1911.  
 Williams : Real Property, 23rd Ed., 1920.  
 Guide to New Property Statutes. By Editors of Law Notes, 1925.  
 Butterworth's Workmen's Compensation Cases, Vol. 18.  
 Wolfe and Dewar : Estate Duty, 1926.  
 Halsbury's Laws of England. Supplement. 1926.  
 The Empire Law List and Directory, 1926.  
 Tolley's Handbook of Income Tax, 1926-27.  
 Public Statutes of the Oireachtas, 1924 and 1925.  
 Rice : Irish Police Guide, 10th Ed.  
 Jordan and Barrie : The Secretary and his Directors, 1924.  
 Jordan : How to form a Company, 1924  
 Jordan : Debentures, 1925.  
 Nelson : Probate Practice, 2nd Ed., 1926.  
 Burke's Landed Gentry, Ireland, 1912.  
 Willis : Workmen's Compensation, 1926.  
 Gover : Capital and Income.  
 Burne : Guide to New Rules, District Court.  
 Sheldon : Banking, 2nd Ed., 1924.  
 Odgers : Pleading, 9th Ed., 1926..  
 Dicksee : Auditing, 13th Ed., 1924.  
 Fuller : Friendly Societies, 4th Ed., 1926.  
 May's Parliamentary Practice, 13th Ed., 1924.  
 Jervis : Coroners, 5th Ed., 1888.  
 Hanna (Hon. Mr. Justice) : Saorstát Eireann, 1922-1924.  
 Dowell : Income Tax, 9th Ed., 1926.  
 Clancy : Solicitors Remuneration Act, 5th Ed., 1900.  
 Palgrave : Chairman's Handbook.  
 Summerhays and Toogood : Costs, 10th Ed., 1924.  
 Strahan : Law of Property, 7th Ed., 1926.  
 Blyth : Analysis of Snell, 13th Ed., 1926.  
 Maitland : Equity, 6th Impression, 1926.  
 Ball : Judges in Ireland, 1221-1921.  
 Meredith : Proportional Representation.  
 Bodkin : Famous Irish Trials.

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