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THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

May, 1912.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 1.]

May, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscriptions.

MEMBERS are reminded that the annual subscription to the Society (£1, Town Members and such Country Members as vote at election of Ordinary Members of Council, 10s., other Country Members, and 10s. all members admitted to the profession less than three years) became due upon the 1st day of May, as well as annual press rent (5s.)

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Thursday, the 16th day of May, 1912, to elect Auditors, to nominate Scrutineers of Ballot for Council to be held on 21st November, 1912, and to transact such further business as may come before the meeting. The chair will be taken at two o'clock, p.m.

Meeting of the Council.

April 17th.

Half-Yearly Accounts.

Cheques in discharge of the half-yearly accounts passed by the Finance Committee were ordered to be drawn and paid.

County Court Fees.

A letter was read from a Country Member relative to the charge of a fee fund of one shilling by Clerks of the Crown and Peace for attending hearing and entering up of an order on appeal from the County Court. The matter was referred to the County Courts Committee.

Certificate Duty.

A letter, in reply, was read from the Chancellor of the Exchequer, stating he does

not see his way to abolish the annual duty on Solicitors' certificates. The letter appears in this GAZETTE.

Professorship of Equity, Real Property, Law and Conveyancing.

It was decided to appoint a Professor of Equity, Real Property, Law and Conveyancing at the meeting of the Council to be held upon 5th June. Further particulars in reference to the office appear in this GAZETTE.

Certificates.

Applications by two Solicitors for renewal of their certificates were submitted, and orders granting both applications were made.

Law Clerks.

Petitions from two Law Clerks for leave to be bound under Section 16, and reports from the Court of Examiners thereon, were considered; one was granted, the other was refused.

Council Meetings.

MEETINGS of the Council will be held upon the following dates:—

May 1st and 15th.

June 5th and 19th.

Committee Meetings.

THE following Committee meetings were held during April:—

Court of Examiners, 2nd and 26th.

Gazette, 4th.

House, Library and Finance, 15th.

Costs, 23rd.

Court and Offices, 25th.

County Courts, 29th.

New Members.

THE following joined the Society during April:—

- Corrigan, Wm. C. M., 3 St. Andrew Street, Dublin.
 Dwyer, Michael J., 43 Dame Street, Dublin.
 Nelson, W. H. Niall, 57 Arthur Street, Belfast.
 Nolan, Wm. S., Graiguenamanagh.

Obituary.

MR. RONALD W. HAMILTON, Solicitor (late of Dublin), died upon the 4th April, 1912, at Mitchelstown.

Mr. Hamilton, who served his apprenticeship with Mr. Henry R. Emerson, 14 Upper Sackville Street, Dublin, was admitted in Michaelmas Sittings, 1894, and was for some years assistant to the Solicitor for the Board of Public Works, Ireland.

MR. MICHAEL JAMES O'CONNOR, Solicitor, died upon the 29th April, 1912, at his residence, 2 O'Connell Street, Sligo.

Mr. O'Connor, who served his apprenticeship with Mr. Jeremiah M'Carthy, Solicitor, Sligo, was admitted in Trinity Sittings, 1903, and practised at Sligo up to the year 1907, when he was appointed to the office of Borough Coroner of Sligo, which position he filled up to the time of his death.

Professorship of Equity, Real Property Law, and Conveyancing.

THE Council will, at their meeting, upon Wednesday, the 5th day of June, 1912, appoint a Professor of Equity, Real Property Law, and Conveyancing, to the Society, in room of Mr. Thomas G. Quirke, B.A., LL.D., R.U.I., whose term of office will expire at the end of Trinity Sittings. The new Professor will enter upon 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 31st May, 1912, to the Secretary.

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) examining at the Final Examination.

The lectures take place on Tuesdays and Fridays at four o'clock, p.m.

Library.

THE attention of Members is asked to the fact that Volume 4 of the Encyclopædia of Forms and Precedents (published by Butterworth & Co.), has been some time missing from the Library. The Council would be glad of its being returned.

Solicitors' Certificate Duty.

THE following correspondence has taken place in reference to this matter:—

The Incorporated Law Society of Ireland,
 Solicitors' Buildings, Four Courts,
 Dublin, 27th March, 1912.

SIR,

I am directed by the Council of this Society to send to you the enclosed copy of a Memorial submitted by the Council to the Chancellor of the Exchequer in March, 1907, praying for the abolition or for a substantial reduction in amount of the Annual Certificate Duty payable by Solicitors in Ireland. The Council desire to urge this matter upon your consideration, and to express the hope that the prayer contained in the enclosed Memorial will this year receive from you favourable consideration.

I remain,

Your obedient Servant,

(Signed), W. G. WAKELY,
 Secretary.

The Right Hon.

The Chancellor of the Exchequer,

The Treasury,

Whitehall,

London.

Treasury Chambers, Whitehall, S.W.,
28th March, 1912.

DEAR SIR,

I am desired by the Chancellor of the Exchequer to acknowledge the receipt of your letter forwarding a copy of a Memorial submitted to his predecessor in 1907 by the Council of the Incorporated Law Society of Ireland, on the subject of the Annual Certificate Duty payable by Solicitors in Ireland.

Yours faithfully,
(Signed), J. T. DAVIES.

W. G. Wakely, Esq.,
Secretary,
The Incorporated Law Society of Ireland.

Treasury Chambers, Whitehall, S.W.,
15th April, 1912.

DEAR SIR,

With reference to your letter of the 27th ultimo, asking for the abolition of the Solicitors' Certificate Duty, I am desired by the Chancellor of the Exchequer to say that he regrets that he does not see his way to accede to your request. It would be impossible to confine such action to Ireland, and to abolish the duty throughout the United Kingdom would entail a considerable loss of revenue.

Yours faithfully,
(Signed), H. P. HAMILTON.

W. G. Wakely, Esq.,
Secretary,
The Incorporated Law Society of Ireland.

Recent Decisions affecting Solicitors.

(Notes of decisions, whether in reported or unreported cases, of interest to Solicitors, are invited from Members.)

COURT OF APPEAL (ENGLAND).

(Before Cozens-Hardy, M.R., Fletcher Moulton and Buckley, L.JJ.)

Rakusen v. Ellis, Munday and Clarke.

March 19, 1912.—Solicitor after acting for one party, acting for opponent in same dispute.

THIS was an appeal by the defendants, a firm of Solicitors, from a decision of Mr. Justice Warrington.

The plaintiff in the case had moved for an injunction to restrain the defendants from acting as Solicitors for a company in certain

arbitration proceedings between the plaintiff and the company, and for an order restraining the defendants from communicating to the company confidential information obtained from the plaintiff. The plaintiff was at one time in the employment of the company, and in June, 1911, the company gave notice to determine his employment. In September, 1911, the plaintiff consulted the defendants with reference to this attempted dismissal of himself, and he gave the particular partner (Mr. Munday), who attended to his business, confidential information relating to his dispute with the company. In October, 1911, the plaintiff changed his Solicitors, and immediately afterwards he issued a writ against the company for damages for wrongful dismissal. That action was stayed on the terms that the matter should be referred to arbitration. This arbitration was proceeded with, and the company had recently changed its Solicitors, and retained Messrs. Ellis, Munday and Clarke (the present appellants) to act for it. Thus, these Solicitors after acting first for the plaintiff in this dispute, were now employed to act for the defendants. But Mr. Clarke was the only partner who was proposing to act for the defendants, and Mr. Munday offered an undertaking not to communicate any confidential information obtained from the plaintiff to Mr. Clarke. The matter came before Mr. Justice Warrington on March 15, 1912, and he held that, apart from whether there was any danger of the Solicitors communicating to the company any confidential information given to them by the plaintiff, the Court ought not to allow a firm of Solicitors which had acted for a plaintiff in a particular cause or matter to act subsequently as Solicitors for the defendants; and he granted an injunction accordingly.

The defendants appealed, and the Court of Appeal allowed the appeal.

The Master of the Rolls, in the course of his judgment, said that he did not doubt for a moment there might be cases where the circumstances were such that a Solicitor ought not to be allowed to act for the other side because he could not clear his mind of information given to him confidentially by his former client; but the Court ought to treat each of these cases as a matter of substance on the particular facts, and

consider, before applying this special jurisdiction, whether there was real mischief and prejudice.

His Lordship, after stating the facts, said that if this had been a case where Mr. Munday, having obtained confidential information from the plaintiff, then sought to act for the defendants, he should have said it was a case in which the Solicitor could not discharge his duty to the defendants without availing himself of the information of the plaintiff. But what were the facts here? The communications were all made by the plaintiff to Mr. Munday at a time when Mr. Clarke, the other partner, was away for his vacation, and Mr. Clarke knew nothing about the matter. Before his return the firm ceased to act for the plaintiff; and in these circumstances was there any reason why Mr. Clarke should not be allowed to act in the arbitration for the company? There could be no resulting prejudice or mischief, and having regard to the undertaking given by the appellants that the name of the Solicitors on the record should be changed from the firm name to that of Clark alone, there was no ground whatever for granting an injunction.

His Lordship then discussed the authorities dealing with the question, and came to the conclusion that they did not prove the existence of the general rule alleged by the respondent. The Court must consider in each case whether there was any real mischief to be guarded against. In the present case he thought there was not, and the order of Mr. Justice Warrington granting an injunction must be discharged.

Lord Justice Fletcher Moulton and Lord Justice Buckley delivered judgments to the same effect.

(Reported *The Times Law Reports*, Vol. xxviii., p. 326.)

Intermediate Examination.

THE July Intermediate Examination for Apprentices will be held upon Monday, July 1st. Notices should be lodged on or before Monday, 17th June.

Trinity Sittings Lectures.

LECTURES will be delivered upon the subjects of Equity, Real Property, Law and Conveyancing on the following dates in Trinity Sittings, 1912:—

June 4, 7, 11, 14, 18, 21, 25, 28.

Lectures will be delivered to the Junior Class upon Common Law on the following dates in Trinity Sittings, 1912:—

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

Solicitors' Benevolent Association.

A Meeting of the Directors was held on the 17th April, 1912, Sir George Roche, Vice-Chairman, presiding, and seven other Directors present.

The Secretary reported having received donations of £10 10s. Od., from Mr. H. G. Cooper, £5 5s. Od. from Mr. Joseph Bennett, and £1 1s. Od. from the President of the Incorporated Law Society.

Four applications for relief were received, and grants amounting to £49 10s. made to the applicants.

Mr. Isaac J. Trew Colquhoun, of Londonderry, was co-opted as Provincial Director in the room of Mr. Andrew McClelland, resigned.

The Directors decided to hold an election in July, next, for two annuitants of £15 each.

Solicitors' Apprentices' Debating Society.

MEETINGS during Trinity Sittings, 1912, at eight o'clock p.m., in Antient Concert Rooms, Great Brunswick Street.

June 3rd.—Debate—"That Manhood Suffrage is undesirable."

June 10th.—Impromptu Speeches.

(Candidates for offices for Session 1912-13 to be nominated.)

June 17th.—Legal Debate—"That the case of *Johnston v. O'Neill* (1911), A. C. 552, was wrongly decided."

June 24th.—Essay night.—Result of election of Officers for Session 1912-13 to be declared.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

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THE GAZETTE

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Vol. VI, No. 2.]

June, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly Meeting.

THE Half-yearly General Meeting of the Society was held on Thursday, 16th May, in the Solicitors' Buildings, Four Courts. Mr. Gerald Byrne, President, was in the chair, and the following members were also present:—

I. J. Rice (Vice-President), R. Blair White (Vice-President), Sir G. Roche, Sir A. F. Baker, W. J. Shannon, R. A. Macnamara, George Collins, J. W. Richards, J. A. Denning, H. J. Synnott, F. W. Meredith, W. V. Seddall, G. H. Lyster, R. G. Warren, C. G. Gamble, A. E. Bradley, C. A. Stanuell, T. C. Franks, A. V. Montgomery, A. Lloyd-Blood, James Moore, M. Buggy (Kilkenny), P. K. White, David Dunne, H. D. Draper, D. A. Quaid, Patrick Rooney, W. G. Armstrong, W. D. Sainsbury, J. W. Davis, W. J. M. Coulter, James Brady, H. K. Clay, J. G. Perry, W. P. Kelly, O. E. Barber, Wm. Read, W. H. Fry, W. J. Byrne, W. H. Sutton, H. R. Maunsell, M. C. O'Halloran, Henry Shannon (Nenagh), G. A. Byrne, E. H. Burne, W. J. G. White, T. H. R. Craig, N. L. Moran, C. J. Law, Edwin Lloyd, W. J. Ryan, Peter Seales, John Read, F. H. Croskerry, R. W. MacNeice, R. T. Holmes, W. C. Gage, E. N. Edwards, W. X. White (Maryborough), E. E. Brady, G. M. Collins, W. G. Bradley, C. M. Grimes, T. B. Moffat (Enniscorthy), A. T. Ellis, T. M. Gerrard, J. R. O'Connell, E. R. Bate, J. H. Montgomery, H. G. Cooper, C. W. Ashe (Macroom), M. Purcell (Macroom), H. J. W. Downey, J. H. Walsh, Q. W. Kennedy, J. W. Dyas, B. M. O'Grady, F. Kennedy (Wicklow), Chas. Corcoran, R. G. Hunt, C. G. Thompson, J. R. Cresswell,

P. J. Moran, R. J. Dodd (Jun.), S. H. Crawford, R. N. Matheson, E. S. Lowe, M. A. Corrigan, R. T. F. Greene, John Moran, J. M'Dermott, H. Galbraith, J. P. Collins, Elliott M'Neill.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, also the Minutes of the Half-yearly General Meeting held upon the 27th of November, 1911, and the Minutes of the Special General Meeting held upon the 2nd of January, 1912, both of which were signed by the President.

On the motion of Mr. I. J. Rice, seconded by Mr. R. Blair White, it was resolved that Messrs. F. Gifford, W. W. Carruthers, and D. B. Dunne be appointed Auditors of the Accounts of the Society for the year ending 30th April, 1912.

The President nominated the following members to be Scrutineers of the ballot for the election of the Council to be held on 21st November, 1912:—Mr. J. J. Cartan, Mr. E. N. Edwards, Mr. W. Geoghegan, Mr. J. G. Perry, and Mr. P. K. White.

THE PRESIDENT.—Arising out of the minutes of the meeting held here in the month of January last, at which a resolution was passed that the Government be requested to appoint Commissioners to hold an inquiry with respect to what amendments in the existing County Court law and procedure are desirable in Ireland, it is right that I should tell you what has been done since with reference to that matter. The resolution was passed on the 2nd January, and a copy of it was forwarded to the Chief Secretary; and on the 6th January we received from the Under-Secretary the following letter:—

Dublin Castle.
5th January, 1912.

SIR,

I am directed by the Chief Secretary to acknowledge the receipt of your letter of the 3rd instant, containing a copy of a resolution adopted at a special general meeting of the Incorporated Law Society of Ireland on the subject of the working of the County Courts in Ireland.

I am, Sir,

Your obedient Servant,
(Signed), J. B. DOUGHERTY.

Not having heard anything further, some members of the Society, who are also Members of Parliament—Mr. P. J. Brady, Mr. Lardner and Mr. O'Shee, on the 20th February, had an interview in London with the Chief Secretary, who promised that he would give the matter his immediate consideration. The following letter was subsequently received by Mr. Brady from Mr. Birrell:—

Irish Office,
Old Queen Street, S.W.,
2nd March, 1912.

DEAR SIR,

Mr. Birrell desires me to say that he has consulted his advisers in Dublin with regard to your suggestion that a Commission should be appointed to enquire into the Irish County Courts Acts. He finds that the defects in the existing procedure have been long recognised by the mercantile community, the practitioners in the County Courts, and the County Court Judges. They are mainly defects in machinery, and have been dealt with very fully in the two Bills which you introduced in 1910 and 1911, based apparently to some extent on the Bills introduced by Lord Ashbourne in 1901 and 1902, but incorporating many additional clauses suggested by the Incorporated Law Society and by Barristers and Solicitors who are familiar with County Court practice.

The late Lord Chancellor invited the County Court Judges to state their views as to the Bill of 1911, and these Judges suggested certain amendments therein; but in doing so observed that they did not wish it to be supposed that the Bill at all represented the views held by them as to the amendments required in the County

Court system. They confined themselves entirely to the Bill in its existing shape as suggested by the Lord Chancellor; but stated that there were many changes and additions, in their opinion, of great value and importance proper to be made in the County Court Code, which they would be prepared to suggest if they were asked to do so.

Mr. Birrell now proposes to suggest to the Lord Chancellor that the County Court Judges should be requested to report what changes and additions ought to be made in the present County Court Code, and how far they approve of the amendments proposed by the Bill introduced in the Session of 1911. The Government will then have the views of all the parties concerned, and of those most competent to form opinions on the matter, and be in a position to decide whether it will be possible to introduce a Government measure on the subject.

Yours faithfully,
(Signed), T. P. LEFANU.

Mr. Brady then, at the request of the Council, wrote in reply to the Chief Secretary, asking that the Council should be afforded an opportunity of seeing the suggestions of the County Court Judges before legislation was introduced on the subject. He has received the following reply:—

22nd March, 1912.

DEAR SIR,

Mr. Birrell desires me to say that he has noted your request, which seems to him to be a very reasonable one, that the Incorporated Law Society should be given an opportunity of seeing the suggestions of the County Court Judges on the question of County Court procedure before the introduction of legislation on the subject.

Yours faithfully,
(Signed), T. P. LEFANU.

You will perceive that the last letter is in March, and we have ascertained that there was a meeting of the County Court Judges immediately after. That meeting did not finally decide the matters before them. They had a further meeting last week. We again communicated with Mr. Brady, and he saw Mr. Birrell about the matter. On the 10th of the present month Mr. Brady wrote to our Secretary, Mr. Wakely:—

Mr. Birrell informs me that he has not yet heard from the County Court Judges in reference to the County Courts Bill.

We have reason to believe that the deliberations of the County Court Judges are nearly at an end, if they have not concluded, and that we will hear from them shortly. Under these circumstances I think it well to show you we were not losing sight of the matter, and that we are trying to do something to induce the Government to remedy the existing County Court procedure. As you all know now what has been done, I leave it to Mr. Craig to say whether he now should proceed with his motion or allow it to stand over for the present. It might be well to allow us to proceed as we are at present, and let us get the report from the County Court Judges. If, then, it be necessary to call a meeting we won't hesitate to do so.

MR. T. H. R. CRAIG said he was in many respects very much indebted to the President for having said what he himself intended to have said in moving his motion. He thought the facts disclosed in the correspondence entirely justified the motion that he wished to bring forward to-day (hear, hear). Whether the meeting would accept his motion or not was for the meeting to say, and if the meeting, having regard to what had been stated, desired to adjourn the further consideration of the matter, he was quite satisfied. He felt it his duty, however, to bring forward his motion, and leave it to the general body of the profession to say whether they approved of it or not. It had been suggested that this was a matter which had been pushed by Dublin practitioners, or what he might call Dublin practitioners, because they happen to live in Dublin, and practise in the County Court. He thought the men who practised in the Recorder's Court in Dublin were just as much County Court practitioners and as much interested in the matter as if they practised in the wilds of Donegal (hear, hear). At the last meeting, held on the 2nd of January, he explained the reason why he brought forward this matter was because it was a matter of public importance and not a matter that affected the profession only (hear, hear). He stated that the debts recovered in the County Courts in Ireland amounted to

£600,000 a year, or £100,000 more than was recovered by common law actions in the High Court of Justice (hear, hear). Was it to be said that this was not a matter of urgent importance and a matter worth the appointing of a Commission to see what the position had been for years, what the defects were, and what improvements might be effected in procedure? The President told them that the resolution passed by the Society calling for a Commission, was forwarded to the Chief Secretary and acknowledged within three days. Then, apparently, whoever had charge of the matter went asleep, because they heard nothing of it again until Mr. Brady, as one of the members of the Council, had to go and stir up the Chief Secretary on the 20th of February. Apparently the question had been pigeon-holed in the Irish Office for six weeks and was forgotten, although it was a matter of recovering £600,000 a year in Ireland. Mr. Birrell wrote on 2nd March that he had consulted his advisers in Dublin, but they did not seem to have given him very much more advice than he had already. He (Mr. Craig) presumed that when they considered the Bill in 1911 the County Court Judges brought all the matters forward. Had the Recorders been consulted in reference to these matters? Had the Recorder of Dublin been consulted with reference to it, in whose Court nearly 7,000 civil bills were disposed of in the year? Why wasn't he consulted as to what the improvements and amendments ought to be? After what had taken place, matters were now apparently in exactly the same position as they were, and probably they would remain so for some time. He did not suggest, and he was prepared to amend his motion lest it should be thought that he meant that the County Court Judges were not competent to go into this matter (hear, hear). He thought that the County Court Judges were quite competent to deal with the matter, but they did not want them to make their report when they were all dead and gone (hear, hear). They wanted the report now at once, so that it could be dealt with in the present Parliament, and in a Bill brought in before the long vacation. If the matter was left in the position in which it was now there would be nothing done till next year. Why could

not the report of the County Court Judges be made in a week or ten days? Was it reasonable or business-like that matters should be left in this position? He proposed to amend his motion so as to make it read:—

That in the opinion of this meeting, having regard to the unanimous and urgent demand both from the mercantile public and the legal profession, the action of the Government in refusing to appoint a Commission to consider the admitted defects in County Court procedure is unreasonable and unbusinesslike; that the further delay caused by reference to the County Court Judges is not in the best interests of the commercial community, who are the parties directly and prejudicially affected by the delays and defects under the existing procedure; that the Chambers of Commerce of Dublin, Belfast and Cork be requested to call a public meeting to demand the immediate appointment of a Viceregal Commission, at which the opinion not only of the County Court Judges, but also that of the general public, the wholesale and retail traders, and both branches of the legal profession could be obtained in a public and definite form, and any suggested amendments be subject to public consideration and discussed openly.

They had been at this matter now for sixteen years, and unless they made a little progress at the end of another sixteen years they would be exactly in the same position (hear, hear).

MR. JAMES BRADY seconded the motion, and said he was surprised that notwithstanding the unanimous request of the representatives of the Solicitors' profession, backed up by the unanimous request of the mercantile community, the Chief Secretary should have considered it the way to meet a business proposition of that kind to communicate with a Member of Parliament for one of the divisions of Dublin what his views were, instead of asking some of those in his department to send a reply to the Secretary.

THE PRESIDENT.—Mr. Brady was asked to communicate with the Chief Secretary on behalf of the Incorporated Law Society, and he did so.

MR. JAMES BRADY, continuing, said an attempt was being made to shelve, cast aside and flout the resolution of the Society. He thought they had stood that kind of thing too long, and that it was time the thing was either ended or mended. In these democratic days it seemed strange indeed that those representing the Government of the country were to vest in the Judges the making of the laws and the administration of them as well. While saying this he should add that no one had more respect for the Judges than he had. He was sure the public would be rather surprised when they read the correspondence that had passed on the subject. When they made the request for the appointment of a Commission at which everybody concerned would be heard, those who governed the country answered, "We will leave the matter in the hands of the Judges to make and administer the law, and we will take months to answer an ordinary business letter on the subject." The public complained about the laws' delays, and they who existed by the public should assist them in having the present County Court procedure brought up to date. He did not think the Solicitors' profession ought to be satisfied with the communications which they had received on this subject. Mr. Craig and others who, like himself, had a great deal of experience of County Court procedure knew that the complaints made by the public were true in substance and in fact, and he desired to let the public and the entire mercantile community know that the members of the Solicitors' profession were anxious to assist them out of the difficulty. He asked those who had voted in favour of having a Commission appointed not to go back on the position they had taken up or allow themselves to be tossed about by every wind that blew. He asked them to pass the resolution that had been proposed by Mr. Craig and seconded by himself.

MR. MACNAMARA said that the Council could not see eye-to-eye with Mr. Brady in the matter. The Council were in favour of the amendment of the existing County Court procedure. The matter had been before them during the twelve months of his presidency, with the result that Mr. Brady, M.P., had brought in a Bill dealing with it, and had done so not merely as a Member of Parliament,

but as a member of the Council. The Council considered that the matter was receiving consideration, and did not think that the delay was so serious as some of the speakers seemed to think. Mr. Birrell had not flouted the Incorporated Law Society, as in his last letter he had told them that he would submit to the Society the report which he would receive from the County Court Judges. He could not see the unreasonableness of consulting the County Court Judges, who were the people who had been working the procedure in the past, and who must be alive to the difficulties which it entailed. It would be surprising if the Government were to pass over the County Court Judges in considering the matter. They had already had reports from the Chambers of Commerce, therefore it was not necessary to go any further in that direction. Why should they call upon them to have meetings again to do what they had already done? What they had to do was to get the matter forward and see that the promises given by Mr. Birrell to Mr. Brady were carried out. He (Mr. Macnamara) asked them not to pass the motion proposed by Mr. Craig, and he, therefore, wished to propose an amendment.

MR. CRAIG:—May I say that, having heard that statement from you, that the matter will not be lost sight of, I am quite prepared to withdraw any motion I brought forward. The motion brought forward by me is solely in the interest of getting something done. It never crossed my mind that it was a vote of censure on the Council, or that it might be construed into an attack upon the County Court Judges.

MR. MACNAMARA.—I think it might be better if this amendment were passed:—

That the Society desires again to express the opinion that legislation for the purpose of amending the existing law and procedure of the County Courts in Ireland is urgently required, and to express the hope that the result of the reference of the question to the County Court Judges of Ireland to report upon, will be the introduction, at an early date, by the Government of a Bill dealing with the matter.

MR. BRADY.—Does that mean we are foregoing the Commission? Are you rescinding the solemn act of a representative meeting?

MR. MACNAMARA.—We are not at all rescinding the old resolution, but we are dealing with the matter as it now stands. By the letter from Mr. Birrell to Mr. Brady it appears that when all these reports have come in he will introduce a Bill.

MR. BRADY.—Please add that to the motion, and then there will be no objection.

MR. W. J. SHANNON.—It would be better to withdraw it altogether. Mr. James Brady seems to think that if we pass this resolution we will be going back on our former resolution.

THE PRESIDENT.—The amendment has not yet been seconded, and so, perhaps, it would be as well to withdraw both the motion and the amendment.

MR. MACNAMARA.—If it be the sense of the meeting that the motion be withdrawn, then I withdraw the amendment.

MR. CRAIG.—Having heard the explanation, I withdraw my motion.

MR. JAMES BRADY moved the following resolution:—

“That inasmuch as permitting any person
“other than a qualified Solicitor to prosecute,
“conduct or defend legal proceedings in
“Courts of Justice on behalf of Government
“Departments, or Public Bodies, is a
“violation of the rights of the Solicitors’
“profession, and against the interests of the
“public, this meeting hereby requests the
“Government to take the necessary steps for
“the purpose of having repealed any sections
“in existing Statutes which purport to
“empower officials who are not qualified
“Solicitors to act on behalf of any such
“Government Departments or Public Bodies
“in the conduct of legal proceedings insti-
“tuted in connection therewith, and further
“requests the Council of this Society to
“continue to take all necessary precautions
“to prevent the insertion of similar sections
“in any future Statutes.”

He said he felt convinced the motion would not alone receive the whole-hearted support of the meeting, but of the Council. He also believed he would have the strong support of the President of the Society, than whom there was no warmer advocate of the rights and privileges of the profession.

Indeed, he felt he had in the President a friend in Court, because on a former occasion the President and he (Mr. Brady) successfully fought to an issue a question of this sort on behalf of the Solicitors' profession in Ireland. He did not desire to occupy any time in going into this matter very fully, for this reason, that they had all seen communications from him in the Press, and had also read the controversies he had had in court on several occasions in the interests of his professional brethren. He stated fully in these controversies in the different Courts his reasons for so doing, and so there was no use in entering upon them there. The Solicitors (Ireland) Act of 1898 contained very stringent clauses with regard to the punishment for a violation of that Statute by a person who acted as a Solicitor without qualifications. Having regard to this Statute he could not understand the conduct of those Government Departments and other public bodies who had been acting in violation of this Statute, on the ground that they were empowered to do so under a certain section of the Public Health Act. He entirely dissented from these contentions. Indeed, it was stated that decisions had been obtained from Courts of Justice permitting this conduct, but he disagreed with these decisions, and would like to know what decision these Courts would give on the subject if the rights and privileges of the members of the Bar were sought to be invaded by unqualified persons, although, if the decisions relied upon were well founded, it appeared to him that there was nothing to prevent the Barrister profession from being invaded by these unqualified persons, acting on behalf of public bodies in the conduct of proceedings in Courts, under the same powers by which they now allege they are entitled to invade the rights and privileges of the Solicitor profession. When he last contended against these tactics by public bodies in a Court of Justice, the Local Government Board appeared in Court, and produced an order, sanctioned and approved of, as stated after consultation with the then President of this Society, with the result that, to use the words of the learned Magistrate: "It operated virtually as an equitable estoppel on him, in so far as he purported to be acting on behalf of and in

the interests of any branch of the Solicitor profession, having regard to the assent given by the Incorporated Law Society to such a rule." He might say that the existing practising Solicitors in Ireland paid annually to the Government about £11,000 for licence duties, and each and every one of them had to pay £105 to the Treasury, making a grand total of money paid by the existing body of Solicitors in Ireland to give them the right before admission to practise as advocates, practically £160,000; so that the Government, by allowing unqualified persons who paid nothing to compete against them, really meant that the Government Treasury who assented to such a course was guilty of nothing short of obtaining money from Solicitors under false pretences; and many people were in the dock for less. He said they should not tolerate this thing any longer. They all knew of the efforts made from time to time by Clerks of Councils, Secretaries of Councils, and gentlemen from the Local Government Board to conduct legal proceedings. He thought it was nearly time to start out against that sort of thing. Unless they put an end to this thing it would be getting worse instead of better. For some time past an effort had been made by trades union organisations to get powers inserted in Statutes to enable what they called their delegates to attend Courts and Coroners' inquests on behalf of the next-of-kin. Now, he had been all his life one of the strongest advocates of trades unionism in this country, and he was indebted to trades union organisations for many favours. But that was no reason why he was going to vest in them rights which existed only in the Solicitors' profession. While he was not condemning these trade organisations he was going to try and compel the shoemaker to stick to his last. Their efforts were not based upon any philanthropic idea at all. That was the merest humbug, because the gentlemen who attended inquests on behalf of the next-of-kin took good care that they were paid for the time occupied in the work. Therefore, when they sought to come in and represent any person concerned in any of these Courts of inquiry, they were interfering with the rights and privileges of the Solicitors' profession. Those who talked of blackleg labour and "scab" labour should be told

they would be prevented from acting as blacklegs and scabs in reference to the legal profession. He hoped he had said nothing to reflect in the slightest way upon the Council of the Society or any of its members. He had no such intention; his only desire and wish being in his own humble way to see that the rights and privileges of his professional brethren were safeguarded. They started the agitation in 1898, and were successful then, and he trusted that under the President's guidance that all they had got to complain of at present would be remedied. At all events there was nothing like trying. Every other body throughout the United Kingdom, throughout the world, were making a strong fight to maintain their position, and he thought they ought to do the same. He moved his motion, and trusted it would be carried unanimously.

MR. CRAIG seconded the motion. He did not propose to make a speech, because he thought it was a motion that would be agreed to unanimously by the Solicitors. Undoubtedly, as Mr. Brady had said, attempts had been made in recent years to cut in on their profession by clerks and members of public bodies. He was the first to call attention to the attempts made in Coroners' Courts to represent the next-of-kin. The matter was gone into then, and it was taken up by the then Council of the Incorporated Law Society. It was stopped, but he understood attempts were being made again in connection with many of the industrial Acts that had been passed; therefore, it was time that a formal protest should be made.

MR. MACNAMARA said he desired to correct Mr. Brady in his impression that a certain rule had been approved after consultation with the President of the Incorporated Law Society. The fact was that the rule was made after a consultation with the President but in spite of his protest against it, and that the amendments proposed by this Society had received no consideration by the Local Government Board.

MR. F. W. MEREDITH said he could confirm what Mr. Macnamara had said.

MR. MOFFATT said, while not agreeing with all that Mr. Brady had said in moving the resolution, he heartily supported the resolution.

MR. BRADLEY mentioned that when Sir John Lynch was President of the Society he proposed amendments to some Labourers Act rules, but those amendments were not accepted by the Local Government Board.

MR. W. J. SHANNON said that in all questions which arose between Solicitors and the public the Local Government Board would decide against the Solicitors. They would cut out the Solicitors in every possible way they could. They would have cut in still more on the profession were it not for the action taken by the Society under the Labourers Acts.

MR. CRAIG said that his humble opinion was that Rule 43 of the new Rules went entirely beyond the powers conferred on the Local Government Board by Section 207 of the Public Health Act. If it were *ultra vires* it should be set aside.

MR. MEREDITH said when he was President everything he suggested in connection with High Court Rules was agreed to by the Judges, but as regarded the Local Government Board, it was merely a sham. No real consultation whatever took place with the President in reference to these rules, and no attention was paid to the representations of the President, although he was invited to attend a consultation with the Local Government Board in reference to them, and did attend and give his views.

MR. H. SHANNON (Nenagh) suggested as an addition to the motion, that steps should be taken to see that Solicitors were given appointments such as those of Resident Magistrates.

MR. I. J. RICE (Vice-President) said he thought Mr. Shannon's suggestion ought to be agreed to. For himself he was personally very much in favour of the resolution moved by Mr. Brady. He thought it was a most unfair thing to the Solicitors' profession that unqualified people should be allowed to trench on their rights. He was glad to say that the local authority with which he was connected had never shirked its duty. A local authority could not save anything by sending down to Court a man who had no legal training. He had known of cases in which the local authority was represented by laymen, and he heard those men making a most absolute muddle of the cases. Instead of saving money these local authorities

courted defeat and loss. With regard to the trade unions, he agreed with Mr. Brady that in endeavouring to obtain rights which only Solicitors and Barristers should have, they were absolutely breaking the first law of trades unionism (hear, hear). The only way to remedy the matter would be to have a general strike of Solicitors. He was sure if they ever had to undergo that terrible experience Mr. Brady would be the Jim Larkin (laughter and applause).

MR. BRADY said he was pleased to see that the North and South Dublin Unions, also Balrothery Union now had their Solicitors; so after all he thought they had done some good.

MR. D. A. QUAID said action should always be taken before the event. It seemed to him to be a very strange thing that all this legislation could be enacted without protest, effective protest. Most of these Bills—Labourers and other Bills—were sent to the Grand Committee on Law, and it seemed to him strange that the Council of the Incorporated Law Society were not able to deal with these matters. He thought, with all respect, that a little more energy should be imported into the scrutiny of these matters in the House of Commons.

MR. RICE (Vice-President) said that Mr. Quaid was mistaken in thinking the Council was not keeping the closest watch on pending legislation. But it was a different thing fighting a clause and to succeed in getting it eliminated, particularly when the Government of the day insisted on it.

THE PRESIDENT said that his experience was that the Council got those Bills, read them, and considered how they affected the profession, and then made representations to try and have them amended. On several occasions during the last seven or eight years they had succeeded in getting amendments made. If they looked at the Shops Act they would see it brought in portion of the Factories Act. The Section (Sec. 120) that provided that inspectors, if authorised in writing, though not a Counsel, Solicitor, or law agent, could prosecute and conduct or defend before a Court of summary jurisdiction, had been omitted. He thought it was a great thing for the Incorporated Law Society to have this Section struck out. It

showed that they did not wait until after the event. Another matter was the Coroners Bill, which was brought in at the instance of the Labour Party. They wanted in that Bill to get power to attend Coroners' Courts and to examine witnesses. That Bill would be down for second reading the following day; but it was a private Member's Bill. He happened to be in London last week on business connected with the Incorporated Law Society, and he took the opportunity of urging on the English Law Society to support them in opposing the Bill.

The resolution proposed by Mr. Brady was then put, with the following words added: "And to secure that the claims of the legal profession to legal appointments, such as Resident Magistrates, be further recognised," and was unanimously adopted.

The proceedings then terminated.

Meetings of the Council.

May 1st.

National Insurance Act.

A LETTER was read from a country member asking the opinion of the Council on the etiquette of a Solicitor undertaking to act as Board of Trade Agent under the unemployment portion of the National Insurance Act. The Council directed a reply stating they would not consider the acceptance by a Solicitor of such an office to be a breach of professional etiquette.

Dublin Sessions Bar.

A letter was read from the Hon. Sec. of the Dublin Sessions Bar requesting information as to the action of the Council in reference to rules under the Labourers Acts, and in reference to the National Insurance Act. A reply stating the action of the Council relative to both matters was approved of. A further letter was read from the Hon. Sec. of the Dublin Sessions Bar suggesting some amendments to the Bye-laws of the Society. A reply was directed giving information relative to the settlement of the particular Bye-laws referred to, at general meetings in recent years.

Apprentices' Debating Society.

It was resolved that "The Labour Problem" be the subject for the Essay for the Society's Medal, to be awarded for Session 1911-12.

Certificates.

Three applications by Solicitors for renewal of their certificates were submitted, and orders were made granting the three applications.

Law Clerks.

A petition from a Law Clerk under Section 16, and a report of the Court of Examiners thereon, was considered, and the petition was granted.

A memorial of a Law Clerk seeking a modified preliminary examination under Section 18 was considered, and it was resolved not to oppose the application.

Petitions under Section 16.

A report from the Court of Examiners in reference to the procedure and form of petition under Section 16 of the Solicitor's (Ireland) Act, 1898, was considered, and it was resolved, that an applicant under Section 16 be no longer required to lodge any certificate from an employer in support of his application, but that he be required to state in his petition the names of those of his employers who would reply to any enquiries sent by the Court of Examiners, or of those who would attend before the Court of Examiners and give information with reference to any matter touching the petition.

May 15th.

Presentation.

The thanks of the Council were directed to be conveyed to Mr. E. D. MacLaughlin for his presentation of an engraving of the late Right Hon. Sir Samuel Walker, Bart., Lord Chancellor of Ireland, to be added to the collection of engravings in the Council Chamber.

Parliamentary Committee.

A report from the Parliamentary Committee in reference to the Coroners Inquests

(Railway Fatalities) Bill was submitted, and it was resolved to take steps against the passing of the Bill as introduced.

Council Meetings.

MEETINGS of the Council will be held upon

June 5th, 12th and 19th.

July 3rd, 17th and 31st.

Committee Meetings.

THE following Committee Meetings were held during May :—

Gazette, 6th.

Costs, 7th and 30th.

Parliamentary, 8th.

New Members.

THE following have joined the Society during May, 1912 :—

Boyle, J. Moore, Newry.

Hegarty, Michael R., Kinsale.

Murray, Peter, 30 Parliament Street.
Dublin.

Purcell, Michael, Macroom.

Shillington, Thomas, Newry.

Obituary.

MR. HENRY CRAWFORD, Solicitor, Belfast, died upon the 1st May, 1912, at his residence, Ardnalea, Craigavad, Co. Down.

Mr. Crawford, who served his apprenticeship with the late Mr. Henry Russell, of Belfast, was admitted in Trinity Term, 1856, and practised, in partnership with his son, Mr. Alfred D. Crawford, and Mr. Alexander A. Lockhart, under the style of Crawford and Lockhart (who carry on the business), at 4 Queen's Square, Belfast, up to the year 1906, when he retired.

MR. EDWARD J. O'MEEHAN, Solicitor, Dublin, died upon the 25th May, 1912, at his residence, 22 Arnott Street, Dublin.

Mr. O'Meehan, who served his apprenticeship with Mr. John Cullinan, of Ennis, was admitted in Hilary Sittings, 1883, and practised formerly in Ennis, subsequently at Maryborough, and latterly at 10 Chancery Place, Dublin.

Legal Appointment.

MR. JOHN F. CULHANE, of 5 Cavendish Row, Dublin, has been appointed Solicitor to the Irish National Insurance Commissioners.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths:—

James Cody, Solicitor's Assistant, Bagenalstown.

Samuel Currie, Solicitor, Ballymena.

Samuel Eagleson, Solicitor, Ballymena.

John G. Lidwell, Solicitor, 33 Upper Ormond Quay, Dublin.

Henry J. McCormick, Solicitor, 37 Molesworth Street, Dublin.

Solicitors seeking Call to the Bar.

THE Statutory Committee have reported upon the respective applications of Mr. Lewis R. Lipsett, Mr. James A. Pringle, and Mr. Denis B. Sullivan, Solicitors, to have their names struck off the Roll, so that they may enter as law students of the King's Inns, in order to seek call to the Bar; the Lord Chancellor has in each case made an order in compliance with the recommendation contained in the report of the Committee, directing the names to be struck off the Roll at the request of the applicant.

Mr. Lipsett was admitted in Hilary Sittings, 1899, and practised at Ballyshannon, Co. Donegal.

Mr. Pringle was admitted in Trinity Sittings, 1900, and practised at Enniskillen, Co. Fermanagh.

Mr. Sullivan was admitted in Michaelmas Sittings, 1906, and practised at 48 Grand Parade, Cork.

Registration of Titles.

THE following has appeared in the Parliamentary papers:—

Q. MR. MAURICE HEALY,—To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will state up to what date vesting orders and fiats made by the Land Commission on the completion of land purchase agreements, and sent to the local

registry of title for registration, have been actually registered in the County Cork and in the rest of Ireland, respectively; and if he can state approximately how many such fiats and vesting orders still remain unregistered in the County Cork and in the rest of Ireland. [6th May, 1912.]

A. MR. BIRRELL.—The Registrar of Titles informs me that, save where questions as to devolution of title, conflict of boundaries, and other matters have arisen, and have not yet been disposed of, the registration has been completed of practically all the holdings vested under the Land Purchase Acts up to 1st November last in which the documents have been received from the Land Commission. The cases are registered as far as possible in order of priority of receipt of the documents, irrespective of the counties in which the lands are situate. It is estimated that some 14,500 holdings (including about 1,300 in county Cork) are awaiting registration; 7,000 of these were lodged for registration since the 1st April. [6th May, 1912.]

Land Purchase.

THE following has appeared in the Parliamentary papers:—

Q. MR. GUINEY,—To ask the Chief Secretary to the Lord Lieutenant of Ireland, how much of the sum of £7,965,066, advances made for land purchase during the year ended 31st March last, was paid in Land Stock, and how much of this sum was advanced for holdings purchased under the Acts of 1903 and 1909, respectively. [8th May, 1912.]

A. MR. BIRRELL.—The sum referred to was made up as follows:—

Sales under Irish Land Act, 1903:—

All cash £2,873,247

Half (2½%) stock,

half cash £2,813,192

All stock (2½%) £1,212,769

Total £6,899,208

Sales under Irish Land Act, 1909:—

Stock (3%) £1,065,858

Gross total £7,965,066

[8th May, 1912.]

Summer Assizes.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, on Monday, July 1st, at 11.30 o'clock.

Co. Louth.—At Dundalk, on Wednesday, July 3rd, at 11 o'clock.

Co. Monaghan.—At Monaghan, on Friday, July 5th, at 11 o'clock.

Co. Armagh.—At Armagh, on Monday, July 8th, at 11 o'clock.

Co. Down.—At Downpatrick, on Thursday, July 11th, at 11 o'clock.

Co. Antrim.—At Belfast, on Monday, July 15th, at 12 o'clock.

Co. of the City of Belfast.—At Belfast, on Wednesday, July 17th, at 11 o'clock.

Judges—The Right Hon. the Lord Chief Baron and the Right Hon. Mr. Justice Dodd.

Registrars—Mr. Francis Kennedy, Marino Park, Blackrock, County Dublin, and Mr. Huston Dodd, 94 Marlborough road, Donnybrook, County Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, on Monday, July 1st, at 11.30 o'clock.

Co. Longford.—At Longford, on Tuesday, July 2nd, at 12.30 o'clock.

Co. Cavan.—At Cavan, on Thursday, July 4th, at 11 o'clock.

Co. Fermanagh.—At Enniskillen, on Saturday, July 6th, at 11 o'clock.

Co. Tyrone.—At Omagh, on Tuesday, July 9th, at 11 o'clock.

Co. Donegal.—At Lifford, on Friday, July 12th, at 11 o'clock.

Co. Londonderry.—At Londonderry, on Monday, July 15th, at 11.30 o'clock.

Co. of the City of Londonderry.—At Londonderry, on Tuesday, July 16th, at 11 o'clock.

Judges—The Right Hon. Lord Justice Holmes, the Right Hon. Mr. Justice Wright.

Registrars—Valentine Holmes, Esq., 33 Trinity College, Dublin; George W. B. Wright, Ryecroft, Bray, Co. Wicklow.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, on Tuesday, July 2nd, at 12.15 o'clock.

Co. Wexford.—At Wexford, on Wednesday, July 3rd, at 3.15 o'clock.

Co. Waterford.—At Waterford, on Thursday, July 4th, at 12 o'clock.

Co. of the City of Waterford.—At Waterford, on Thursday, July 4th, at 12 o'clock.

Co. Tipperary (S.R.)—At Clonmel, on Monday, July 8th, at 11 o'clock.

Co. Tipperary (N.R.)—At Nenagh, on Wednesday, July 10th, at 11 o'clock.

Queen's Co.—At Maryborough, on Friday, July 12th, at 11 o'clock.

Co. of Kilkenny.—At Kilkenny, on Saturday, July 13th, at 12.30 o'clock.

Co. Carlow.—At Carlow, on Tuesday, July 16th, at 11 o'clock.

Co. Kildare.—At Naas, on Wednesday, July 17th, at 11 o'clock.

Judges—The Right Hon. the Lord Chief Justice of Ireland, the Right Hon. Mr. Justice Kenny.

Registrars—Mr. Cholmondeley Clarke, Airfield, Donnybrook, Dublin; Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

CONNAUGHT CIRCUIT.

King's County.—At Tullamore, on Monday, July 1st, at 11.30 o'clock.

Co. Leitrim.—At Carrick-on-Shannon, on Wednesday, July 3rd, at 2 o'clock.

Co. Sligo.—At Sligo, on Monday, July 8th, at 12 o'clock.

Co. Roscommon.—At Roscommon, on Thursday, July 11th, at 12 o'clock.

Co. Mayo.—At Castlebar, on Monday, July 15th, at 12 o'clock.

Co. Galway.—At Galway, on Friday, July 19th, at 12 o'clock.

Judges—Right Hon. Mr. Justice Gibson, Right Hon. Mr. Justice Madden.

Registrars—The Hon. E. Gibson, 38 Fitzwilliam place, Dublin; Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, on Tuesday, July 2nd, at 11 o'clock.

Co. Limerick.—At Limerick, on Friday, July 5th, at 11 o'clock.

Co. of the City of Limerick.—At Limerick, on Friday, July 5th, at 11 o'clock.

Co. Kerry.—At Tralee, on Wednesday, July 10th, at 12 o'clock.

Co. Cork.—At Cork, on Tuesday, July 16th, at 11 o'clock.

Co. of the City of Cork.—At Cork, on Friday, July 19th, at 10.30 o'clock.

Judges—The Right Hon. Lord Justice Cherry and the Hon. Mr. Justice Boyd.

Registrars—J. Briscoe Cherry, Esq., St. Helen's, Bray, Co. Wicklow; R. T. F. Greene, Esq., 61 Middle Abbey Street, Dublin.

New Solicitors.

ADMISSIONS DURING MAY, 1912.

<i>Name</i>	<i>Served Apprenticeship to</i>
Simms, Alfred George ...	John W. Killeen, 51 Dame Street, Dublin.
Francis	
Sweeney, Daniel ...	James Boyle, Stranorlar, Co. Donegal.

Intermediate Examination.

THE July Intermediate Examination for Apprentices will be held upon Monday, July 1st. Notices should be lodged on or before Monday, 17th June.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

July, 1912.

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JULY 1912

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 3.]

July, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 5th.

The Right Hon. R. E. Meredith.

THE following resolution was passed, and it was ordered that a copy be sent to the Right Hon. R. E. Meredith:—

Resolved:—The Council of the Incorporated Law Society of Ireland desire to record their deep regret at the retirement from the Bench of the Right Hon. Richard E. Meredith, late Master of the Rolls, and to express their admiration of the impartiality, dignity and learning with which he administered justice, and their appreciation of the unvarying courtesy extended by him to the members of the Solicitors' Profession.

Professor of Equity, Real Property Law, and Conveyancing.

The Council elected Mr. Henry Pelham Mayne, B.A., T.C.D., Solicitor, to be Professor of Equity, Real Property, Law and Conveyancing, in room of Mr. T. G. Quirke, B.A., R.U.I., Solicitor, whose term of office is about to expire.

Land Commission.

It was resolved to draw attention to the insufficiency of the staff in the Record Department of the Land Commission, and also to suggest greater expedition in the sending out of Certificates of tithe rents, quit rents, and Board of Works charges.

Preliminary Examination.

A memorial from a Law Clerk seeking a modified Preliminary examination under

Section 18 was submitted, and it was resolved that same be not opposed.

June 12th.

The Right Hon. R. E. Meredith.

A letter, in reply, was read from the Right Hon. R. E. Meredith, thanking the Council for their resolution passed on his retirement from the office of Master of the Rolls.

Mr. Henry F. Berry, I.S.O.

A letter having been written to Mr. Henry F. Berry, late Assistant Deputy Keeper of the Records, expressing to him the good wishes of the Council on his retirement, and the appreciation of the Council of his unvarying courtesy to the profession, a reply was read from Mr. Berry thanking the Council.

Half-Yearly Meeting of the Society.

A letter was read from the Under Secretary for Ireland acknowledging the receipt of the resolution passed at the Half-Yearly General Meeting of the Society held in May.

Examinations.

The Report of the Court of Examiners, giving the results of the May Preliminary and Final Examinations, was submitted and adopted. The results appear in this GAZETTE.

Chancery Practice.

It was resolved that it be referred to the Court and Officers' Committee to prepare a report showing the differences in the practices

prevailing before the Chief Clerks of the Master of the Rolls and of Mr. Justice Barton.

June 26th.

Special Examiners.

The Council re-appointed Mr. Charles H. Denroche, B.A., LL.D., Solicitor, and Mr. Frank V. Gordon, B.A., ex-Scholar T.C.D., as Special Examiners for 1913.

General Meeting.

The following letter was read :—

DUBLIN CASTLE,

18th June, 1912.

SIR,

With reference to your letter of the 25th ultimo, embodying a resolution passed at a General Meeting of your Society on the 16th ultimo, requesting the Government to take steps for the purpose of the repeal of enactments which empower officials other than Solicitors to act on behalf of Government Departments or Public Bodies in the conduct of proceedings in Courts of Justice, I am directed by the Lord Lieutenant to state, for the information of your Society, that His Excellency finds that the power given by Statute to Public Bodies in Ireland to be represented in Court in certain minor matters by an Official instead of by a Solicitor is also a power which exists in the case of Public Bodies in England.

His Excellency, while recognizing that the interests of the Solicitors' profession should in every legitimate manner be safeguarded, is not of opinion that amending legislation of the nature suggested in the resolution is practicable or could be undertaken by Government.

I am,

Sir,

Your obedient Servant,

(Signed) J. B. DOUGHERTY.

The Secretary,

The Incorporated Law Society of Ireland,
Four Courts,
Dublin.

County Courts Bill.

The following letter was read :—

Irish Office,

Old Queen St., S.W.,

21st June, 1912.

DEAR SIR,

Mr. Birrell desires me to acknowledge the receipt of your letter of the 20th instant in reference to the report of the County Court Judges upon the County Courts (Ireland) Bill, and in reply to say that the report in question has not yet reached him. As the report is made to the Lord Chancellor, it will be for him to consider whether he can furnish a copy to you or not.

Yours faithfully,

(Signed) T. P. LE FANU.

The Secretary,

The Incorporated Law Society of Ireland.

It was resolved to write to the Lord Chancellor asking for a copy of the report of the County Court Judges.

National Insurance Commissioners.

A letter, in reply, was read from the Secretary of the National Insurance Commissioners stating that copies of the rules made by the Commissioners from time to time would be furnished to the Society.

Grant of Arms.

The Patent from Ulster King of Arms granting the use of "Arms and Supporters" to the Society was submitted.

Certificate.

An application by a Solicitor for renewal of his annual certificate was submitted and granted.

Council Meetings.

MEETINGS of the Council will be held upon the following dates :—

July 10th and 24th.

October 2nd, 16th and 30th.

Committee Meetings.

THE following Committee Meetings were held during June :—

- County Courts, 7th.
- Gazette, 7th.
- Court of Examiners, 10th.
- Court and Offices, 20th.

Legal Appointments.

HIS Majesty the King has conferred the honour of Knighthood upon Mr. Malachy John Kelly, Chief Crown Solicitor in Ireland.

The Senate of Queen's University, Belfast, have appointed Mr. George Herbert Wheeler (ex-Findlater Scholar), Solicitor, Belfast, to be Lecturer in Law in the University.

The Council have appointed Mr. Henry Pelham Mayne, B.A., T.C.D., Solicitor, to be Professor of Equity, Real Property Law, and Conveyancing to the Incorporated Law Society of Ireland.

New Members.

THE following have joined the Society during June, 1912 :—

- Doherty, Richard W., Bandon.
- Murphy, Charles E., Cootehill.

Obituary.

MR. AUSTIN G. MACAULAY, Solicitor, died upon the 14th June, 1912, at his residence, 4 Rathgar Street, Belfast.

Mr. Macaulay, who served his apprenticeship with his father, the late Mr. Peter Macaulay, Belfast, was admitted in Hilary Sittings, 1911, and practised at 19 Chichester Street, Belfast.

MR. WILLIAM TUGHAN, Solicitor, died upon the 17th June, 1912, at Bangor, Co. Down.

Mr. Tughan, who served his apprenticeship with his brother, Mr. Nathaniel Tughan, Belfast, was admitted in Easter Sittings, 1902, and practised in partnership with Mr. Nathaniel Tughan, (who carries on the business) at 48 Donegall Street, Belfast.

County Court Fee Funds.

THE attention of the Council having been drawn to the frequent disallowance on circuit in the costs of affirmances or reversals, of the fee of one shilling payable in respect of the Court Fee "on attending hearing of

appeal and entering order thereon," a letter was written to the Treasury enquiring whether this item contained in a scale of fees made and fixed under the County Officers and Courts (Ireland) Act, 1872, with the consent of the Treasury, in February, 1878, had been altered or repealed. To this letter the following reply was received :—

Treasury Chambers,

17th May, 1912.

SIR,

In reply to your letter of the 30th ultimo, relative to the scale of fees to be collected under the County Officers and Courts (Ireland) Act, 1877, I am directed by the Lords Commissioners of His Majesty's Treasury to inform you that the fee of 1s. payable to Clerks of the Peace in respect of "Attending hearing of Appeal and entering order thereon" has not been altered or repealed, and is, therefore, still in force, both in Counties where the offices of Clerk of the Crown and Peace are united, and also in the only County (Kilkenny) where there still exist a Clerk of the Peace and a (separate) Clerk of the Crown.

I am,

Sir,

Your obedient Servant,

(Signed) T. L. HEATH.

The Secretary,

Incorporated Law Society of Ireland,

Solicitors' Buildings,

Four Courts, Dublin.

The Council have drawn the attention of the Circuit Judges to this matter, and as a result their Lordships have intimated that the fee will be allowed in future, and they have directed the following Memorandum to be issued to the Clerks of the Crown and Peace in Ireland :—

MEMORANDUM

OF THE COURT FEES PAYABLE IN RESPECT OF CIVIL BILL APPEALS UNDER ORDER OF 19TH FEBRUARY, 1878.

s. d.

1. On every affidavit of service of notice of appeal filed with the Clerk of the Crown and Peace. (Payable under Part I of Schedule) 1 0

2. Further fee on such affidavit. (Payable under the heading of Miscellaneous Fees in the last Schedule to the said Order) ...	s. d.
3. For every recognizance and certificate of appeal and entering appeal with the Judge's Registrar. (Payable under the last Schedule to the said Order. Should no recognizance be entered into the fee is still payable on entering the appeal) ...	1 0
4. On every recognizance of appeal, if entered into. (Payable under Part I. of said Order) ...	2 6
5. On attending hearing of appeal and entering Order thereon. (Payable under the last Schedule to the said Order) ...	1 0
6. For preparing a fresh recognizance in cases of appeal when required so to do under Section 50 of the 27 & 28 Vic., c. 99. (Payable under the last Schedule to the said Order) ...	3 6

NOTE.—The Fees Nos. 1, 2, and 3 above-mentioned should be paid by the Appellant, and No. 5 by the party who is successful on the Appeal, and the stamp for the last-mentioned fee should, under Clause 2 of the Treasury Order of the 11th March, 1878, be affixed to the entry in the Book of the Clerk of the Crown and Peace in which the Order of the Judge of Assize is recorded.

New Solicitors.

THE following were admitted during June, 1912 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Crotty, Martin Joseph ...	Michael Buggy, Kilkenny
Fry, Philip Golding ...	William Fry, Dublin
Howley, Hubert P. ...	Michael S. Bergin, Dublin
Maguire, Frank P. J. ...	Henry Murphy, Clones
McFadden, James Weir ...	King Houston, Omagh
Smyth, John Francis ...	A. N. Sheridan and John Mackay, Dundalk
White, William J. ...	Charles E. Murphy, Cootehill

Results of Examinations.

At the Preliminary Examination, held upon 13th and 14th of May, the following passed

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

1. Henry J. Kenny.
2. Michael Moloney.
3. Cyril F. McCay.
4. Frank F. Maguire.
5. William F. Nally.
6. Edmund J. Alexander.
7. Frederick J. Dempsey.
8. James H. Power.
9. Robert H. Commins.

William Caulfield and Edward O'Shaughnessy passed the Modified Preliminary Examination for which they had liberty to present themselves.

The remaining candidates have been postponed.

Sixteen candidates attended: eleven passed; five were postponed.

PRELIMINARY EXAMINATION PRIZES, 1911-12
THE Court of Examiners have awarded Silver Medals to John O'Hanrahan and Henry J. Kenny, and a Special Certificate to Herbert C. Scott.

At the Final Examination held upon the 20th, 21st and 22nd days of May, the following passed the examination, and their names are arranged in order of merit :—

1. Francis J. O'Connor, B.A., R.U.I.
2. Martin J. Crotty, B.A., R.U.I.
3. Albert E. Prentice.
4. Samuel Cunningham.
5. John J. Smith.
6. Samuel G. Rutherford.
7. George Martin.
8. Hubert P. Howley.
9. John L. R. Hastings.
10. James W. McFadden, B.A., R.U.I.
11. Pierse J. Cox.
12. Philip G. Fry, B.A., T.C.D.
13. Samuel Tarrant.
14. John F. Smyth.
15. James R. Lynn.
16. Francis J. Horne, B.A., T.C.D.
17. Daniel Kepple.
18. Norman L. Holland.
- Francis P. J. Maguire, B.A., } equal
Q. U. Belfast
20. James Herron.

The Court of Examiners have awarded Gold Medals to Francis J. O'Connor, (B.A.) R.U.I., and Martin J. Crotty, B.A. R.U.I.; Silver Medals to Albert E. Prentice, Samuel Cunningham and John J. Smith; and Special Certificates to Samuel G. Rutherford and George Martin.

The remaining candidates have been postponed.

Twenty-eight candidates attended: twenty passed; eight were postponed.

Solicitors' Apprentices' Debating Society.

THE following have been elected as the Officers of the Society for the Session, 1912-13:—

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

Vice-Presidents.—Sir. George Roche, William Fry, T. G. Quirke, R. A. Macnamara, W. J. Shannon, F. W. Meredith.

Hon. Librarian.—S. W. Evans, B.L.

Auditor.—Ambrose Davoren, B.A.
Hon. Secretary.—Arthur C. J. Cox.
Hon. Treasurer.—Arthur Beaumont.
Committee.—T. Arkins, M.A. (ex-Auditor), C. Crozier Shaw, John V. Dunn, William F. Barry, P. J. Roe, C. A. Maguire, M.A., E. Proud.

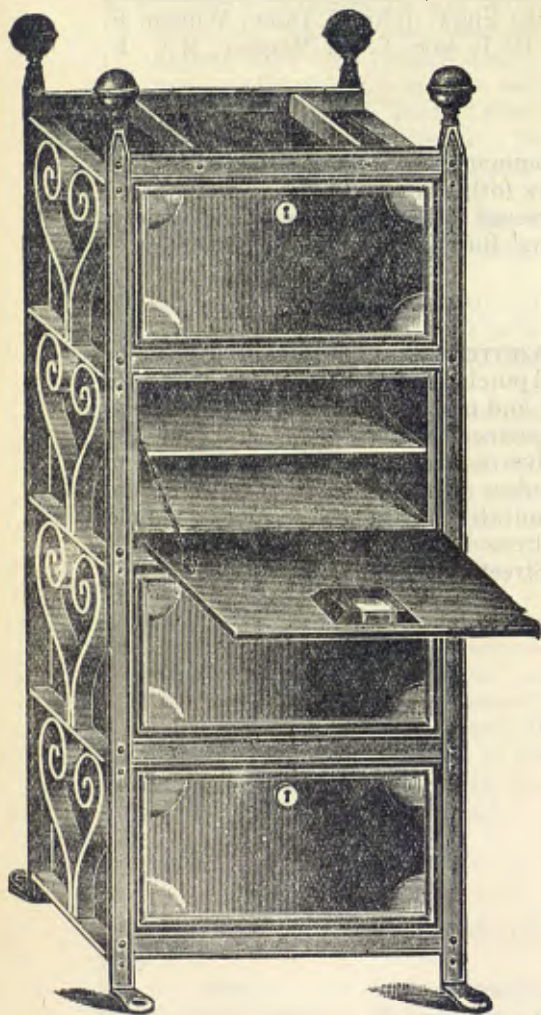
ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property; loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

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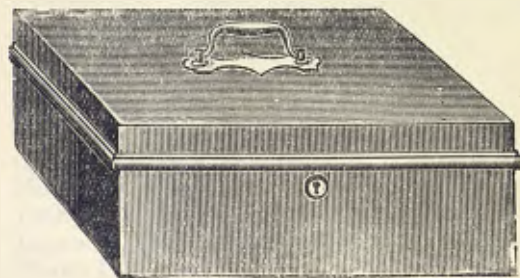
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2 " 22/6 ; without " 19/- "



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16 x 11½	x 11	„	15/-	24 x 17	x 15	„	21/-
18 x 13	x 12	„	17/-				

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OF THE

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August, 1912.

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2nd August

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 4.]

August, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 10th.

Appeals from the Recorder of Dublin.

A LETTER was read from the Hon. Sec. of the Dublin Sessions Bar, drawing attention to the inconvenience rendered through no appeals from the Recorder being heard between the end of June and the beginning of Michaelmas Sittings. The matter was referred to the Court and Offices Committee.

Warrants for Small Debts.

The question of whether warrants for execution of decrees obtained in the Dublin Metropolitan Police Court for small debts can be directed to the Metropolitan Police, was referred to the County Courts Committee.

Finance (1909-10) Act, 1910.

A communication was received from the Receiver Examiner in reference to the filling up of forms and the making of objection to provisional valuations, under the Finance (1909-10) Act, 1910, relating to lands and houses, the subject-matter of proceedings in the Land Judge's Court. The matter was fully discussed, and it was resolved to reply suggesting that the Land Judge should give general directions to Solicitors having carriage as to the steps to be taken by them in reference to the filling of forms and the consideration of provisional valuations and that provision should be made for remuneration for this additional work. The Council appointed the President, and Mr. Meredith, ex-President, to deal further with the matter.

Examinations.

The Report of the Court of Examiners, giving the results of the July Intermediate Examination, was submitted and adopted. The result appears in this GAZETTE.

Law Clerks.

Petitions from four Law Clerks under Section 16, and reports from the Court of Examiners thereon, were considered; one petition was granted, the other three were refused.

July 24th.

Certificate.

An application by a Solicitor for a Certificate under Section 47 was considered and granted.

Law Clerk.

A petition from a Law Clerk under Section 16, and a report from the Court of Examiners thereon was considered, and the petition was granted.

House Committee.

Estimates for painting and repairs recommended by the House Committee were accepted.

Council Meetings.

MEETINGS of the Council will be held upon the following dates :—

October 2nd, 16th and 30th.

November 13th and 27th.

Committee Meetings.

THE following Committee Meetings were held during July :—

Privileges, 5th.
Court of Examiners, 8th and 18th.
Gazette, 11th.
House, Library and Finance, 22nd.

Obituary.

MR. GERALD W. BROWNE, Solicitor, Dublin, died upon the 7th July, 1912, at his residence, Carrick-Shinnagh, Foxrock, Co. Dublin.

Mr. Browne, who served his apprenticeship with the late Mr. Robert J. K. St. George, 9 Suffolk Street, Dublin, was admitted in Hilary Sittings, 1883, and formerly practised in partnership with Mr. Robert J. K. St. George under the style of St. George and Browne, and latterly with Mr. Harry R. Maunsell (who carries on the business) under the style of Browne and Maunsell, at 40 Westland Row, Dublin.

MR. JOSEPH V. MURPHY, Solicitor, Dublin, died upon the 26th July, 1912, at Lower Leeson Street, Dublin.

Mr. Murphy, who served his apprenticeship with the late Mr. Aylward O. B. O'Connor, 11 Hume Street, Dublin, was admitted in Trinity Sittings, 1890, and practised at 46 Dawson Street, Dublin.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths :—

John Moran, Solicitor, 34 Lower Ormond Quay, Dublin.
Frederick P. Harckham, Solicitor's Assistant, Maryborough.
Hugh Hill, Clerk of Petty Sessions, Ballyclare.
Charles Robson, Assistant in the Office of Clerk of the Crown and Peace, Maryborough.

Finance (1909-10) Act, 1910.**LAND JUDGE'S COURT.**

THE following letter has been received in reply to the request of the Council that the Land Judge should issue directions to Solicitors having carriage, as to filling of forms, and dealing with provisional valuations affecting lands for sale in the Court, or over which Receivers have been appointed:

High Court of Justice (Ireland),
Chancery Division, Land Court,
30th July, 1912.

SIR,

I have been in consultation with the Land Judge in reference to your letter of the 17th instant, and the memorandum from the Council of the Incorporated Law Society which accompanied it.

The Land Judge has instructed me to prepare regulations in reference to the mode of dealing with forms and provisional valuation issued by the Commissioners of Inland Revenue under the Finance (1909-10) Act, 1910, in reference to lands which are for sale in this Court, or over which Receivers have been appointed.

I have submitted a rough draft of such regulations to the Land Judge, but having regard to the time of the year I do not think it probable these regulations can be formally approved of until the Sittings re-open in October or November.

The draft I have made provides that when such forms or provisional valuations are sent to the Receiver Office they shall be forwarded to the Solicitor having carriage of the proceedings of the suit or matter to which they relate.

That such Solicitor shall furnish the information required by such forms, and in the case of provisional valuations shall make such claims for site value deductions as he considers to be just in the interest of the estate, and that if such deductions are not allowed he shall take the directions of the Land Judge as to the desirability of an appeal under Section 33.

The draft also contains provisions for remuneration being given to the Solicitor for his work in connection with these matters and, subject to review by the Land Judge, empowers the Receiver Examiner to fix such remuneration.

It may happen that some Solicitor may be called upon to render services under the Finance Act before these regulations are finally approved, and I am authorised by the Land Judge to state that in such cases he will take care that adequate remuneration shall be allowed to the Solicitors concerned.

The proposed regulations also provide that the Receivers shall afford to the Solicitors all information and assistance in their power to enable the Solicitors to perform the duties prescribed, and for remuneration to the Receivers for so doing.

I am,

Sir,

Your obedient Servant,

(Signed), J. M. KENNEDY.

W. G. Wakely, Esq., Registrar.
Secretary,
Incorporated Law Society of Ireland,
Four Courts, Dublin.

County Courts (Ireland) Bill.

A LETTER has been received from the Lord Chancellor sending, for the information of the Council, a copy of the Report of the County Court Judges as to the changes and amendments in the jurisdiction, procedure, and practice in the County Courts in Ireland which they deem desirable, and also their suggestions as to amendments and alterations that should, in their opinion, be made in the County Courts (Ireland) Bill, 1911, in so far as the provisions of that Bill extended. The Report will be considered by the County Courts Committee of the Council at a Special Meeting of the Committee on the 8th August.

Additions to the Library.

THE following Books have been added to the Library from December, 1911, to July, 1912, inclusive :—

Agriculture, Department of

Department of Agriculture and Technical Instruction for Ireland : Eleventh Annual Report of the Department, 1910-11.
8vo ; *Dublin*, 1912.

Boundaries, Walls and Fences.

Hunt (Arthur Joseph) : Law of Boundaries Walls and Fences. 6th ed., by R. G. N. Combe. 8vo ; *London*, 1912.

Calendar of State Papers.

Calendar of the State Papers relating to Ireland, 1601-3 (with Addenda, 1565-1654), and of the Hammer Papers preserved in the Public Records Office. Edited by R. P. Mahaffy. 8vo ; *London*, 1912.

Copyright.

Oldfield (L. C. T.) : Law of Copyright. 8vo ; *London*, 1912.

Robertson (George Stuart) : Law of Copyright. 8vo ; *Oxford*, 1912.

County Courts.

Fitzgibbon (H. Macaulay) : The Practice and Procedure of the Irish County Courts, Quarter Sessions Courts, and Local Bankruptcy Courts, and Courts of Assize, 1890-1910. 12mo ; *Dublin*, 1910.

Criminal Injuries.

Daly (George J.) : The Law relating to the Liability of Public Bodies in Ireland arising out of their duties as Road Authorities, and in respect of Compensation Claims for Criminal Injuries. 8vo ; *Dublin*, 1912.

Digests.

Mews' Digest of English Case Law, Annual Supplement, 1911. 8vo ; *London*, 1912.

Directories, etc.

Army List (Monthly). 8vo ; *London*, 1912.
Dublin University Calendar for Year 1911-1912. 2 Vols. ; 8vo ; *Dublin*, 1912.

— Dublin Examination Questions. 8vo ; *Dublin*, 1912.

Hazell's Annual for 1912. 8vo ; *London*, 1912.

London Directory, Post Office, 1912. 4to ; *London*, 1912.

National University of Ireland. Calendar for Year 1911. 8vo ; *Dublin*, 1911.

Navy List (Quarterly). 8vo ; *London*, 1912.

New South Wales Law Almanac for 1912. 12mo ; *Sydney*, 1912.

Scottish Law List and Legal Directory for 1912. 12mo; *London*, 1912.
 Sell's Dictionary of the World's Press, 1911-12. 8vo; *London*, [1912].
 Stock Exchange Year Book for 1912. 8vo; *London*, 1912.
 Stubbs' Directory—Manufacturers, Merchant Shippers, and Professional. 4to; *London*, 1912.
 Stubbs' Commercial Year Book for 1912. 8vo; *London*, 1912.
 Thom's Official Directory of the United Kingdom of Great Britain and Ireland for 1912. 8vo; *Dublin*, 1912.
 Whitaker's Almanac for 1912. 8vo; *London*, 1912.

Discovery.

Ross (Robert Ernest): Law of Discovery. 8vo; *London*, 1912.

Equity.

Brett (Thomas): Leading Cases in Modern Equity. 5th ed., by J. A. Shearwood and W. G. Hart. 8vo; *London*, 1911.

Snell (Edmund H. T.): Principles of Equity, intended for the use of Students and Practitioners. 16th ed. 8vo; *London*, 1912.

Evidence.

Wills (William): An Essay on the Principles of Circumstantial Evidence. Edited by his son, the *Rt. Hon. Sir Alfred Wills*. 6th ed. 8vo; *London*, 1912.

Grand Jury.

Huband (William G.): Supplement to A Practical Treatise on the Law relating to the Grand Jury in Criminal Cases, the Coroners' Jury, and the Petty Jury in Ireland. 8vo; *London*, 1911.

Insurance.

Welford (A. W. Baker) and W. W. Otter-Barry: Law relating to Fire Insurance. 8vo; *London*, 1911.
 See NATIONAL INSURANCE.

International Law.

Westlake (John): Private International Law. 5th ed. 8vo; *London*, 1912.

Laws of England.

Encyclopædia of the Laws of England. Third Annual Supplement. 8vo; *London*, 1912.

Halsbury (The *Rt. Hon. the Earl of*): The Laws of England: being a complete statement of the whole Law of England. Vols. 19-21; 8vo; *London*, 1911-12.

Libel and Slander.

Odgers (William Blaker): Digest of the Law of Libel and Slander, and of Actions on the Case for words causing damage. 5th ed., by the Author, J. B. Eames and Walter B. Odgers. 8vo; *London*, 1911.

Medicine.

Dorland (W. A. N.): Illustrated Medical Dictionary . . . of the Terms used in medicine, surgery, dentistry, pharmacy, chemistry, nursing, veterinary science, biology, medical biography, etc. 6th ed. 8vo; *London*, 1911.

National Insurance.

Carr (A. S. Comyns), W. H. S. Garnett, and J. H. Taylor: National Insurance; with a Preface by the *Rt. Hon. D. Lloyd George*. 3rd ed. 8vo; *London*, 1912.

Clarke (Orme): The National Insurance Act, 1911. Being a treatise on the scheme of national health insurance and insurance against unemployment created by that Act, with the incorporated enactments, full explanatory notes, tables, and examples; with an Introduction by *Sir John Simon*. 8vo; *London*, 1912.

Smith (Thomas): Everybody's Guide to the Insurance Act. 8vo; *London*, 1912.

Parish Registers.

Parish Register Society of Dublin: Vol. ix. The Register of the Parish of S. Peter and S. Kevin, Dublin, 1669-1761. 8vo; *Exeter*, 1911.

Partnership.

Lindley (*Rt. Hon.*): A Treatise on the Law of Partnership. 8th ed., by the Hon. W. B. Lindley, T. J. C. Tomlin, and A. A. Uthwatt. With an Appendix on the Law of Scotland, by J. Campbell Lorimer. 8vo; *London*, 1912.

Patents, Law of

Frost (Robert) : Treatise on the Law and Practice relating to Letters Patent for Inventions. 4th ed.
2 Vols. ; 8vo ; *London*, 1912.

Peerage and Baronetage.

Burke (*Sir* John Bernard) : A Genealogical and Heraldic History of the Peerage and Baronetage, the Privy Council, Knightage, and Companionship. By Sir Bernard Burke and Ashworth V. Burke. 74th ed.
8vo ; *London*, 1912.

Personal Property.

Goode (Louis Arthur) : Modern Law of Personal Property. 5th ed., by J. H. Williams and W. M. Crowdy.
8vo ; *London*, 1912.

Privy Council.

Bentwich (Norman) : Practice of the Privy Council in Judicial Matters in Appeals from Courts of Civil, Criminal and Admiralty Jurisdiction, and in Appeals from Ecclesiastical and Prize Courts, with the statutes, rules, and forms of procedure.
8vo ; *London*, 1912.

Real Property.

Wilshere (Alured Myddleton) : An Analysis of Williams on the Law of Real Property. 2nd ed. 8vo ; *London*, 1912.

Shops Act.

Henry (James) : Shops Act, 1912.
12mo ; *Dublin*, 1912.

Statutes.

Public General Acts : Passed in 1911.
8vo ; *London*, 1912.

Chitty (Joseph) : The Statutes of Practical Utility. Vol. 17, Part I. Containing the Statutes of Practical Utility passed in 1911. By W. H. Aggs.
8vo ; *London*, 1912.

Statutory Rules and Orders : Issued in the year 1911. 8vo ; *London*, 1912.

Title.

Browning (Francis H.) and W. E. Glover : Registration of Title in Ireland. 2nd ed., by F. H. Browning and R. Smith.
8vo ; *Dublin*, 1912.

Emmet (Lewis E.) : Notes on perusing Titles. 6th ed. 8vo ; *London*, 1912.

Torts.

Pollock (*Rt. Hon. Sir* Frederick) : Law of Torts. 9th ed. 8vo ; *London*, 1912.

Trusts and Trustees.

Strachan (Walter) : A Digest of the Law of Trust Accounts. 8vo ; *London*, 1911.

Underhill (Arthur) : Law relating to Trusts and Trustees. 7th ed.
8vo ; *London*, 1912.

Workmen's Compensation.

Dawbarn (C. Y. C.) : Workmen's Compensation Appeals, 1910-1911. A critical commentary on the Workmen's Compensation Case Law for the past legal year and brought up to date to the time of publication.
8vo ; *London*, 1912.

New Solicitors.

ADMISSION DURING JULY, 1912.

<i>Name</i>	<i>Served Apprenticeship to</i>
Cox, Pierce J. ...	William Dorgan, Cork
Cunningham, Samuel ...	John W. Pinkerton, Ballymoney
Holland, Norman Lee ...	Richard S. Holland, Omagh
Kepple, Daniel ...	John Kepple, Mallow; and James J. Dudley, Mallow
Lynn, James Rodgers ...	William S. McDermott, Londonderry

Dates of October Examinations.

THE following are the dates upon which the October Examinations will be held :—

October 3rd and 4th.—Preliminary (Notice to be lodged on or before 4th September).

October 7th.—Intermediate (Notice to be lodged on or before 23rd September).

October 8th, 9th and 10th.—Final (Notice to be lodged on or before 10th September).

Michaelmas Sittings Lectures.

PROFESSOR MAYNE will deliver Lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing, on the following dates in Michaelmas Sittings, 1912 :—

October 25, 29.
November 1, 5, 8, 12, 15, 19, 22, 26, 29.
December 3.

Books :—Davidson's Concise Precedents in Conveyancing; Snell's Principles of Equity; Williams' Principles of the Law of Real Property.

PROFESSOR SHARPE will deliver Lectures to the Junior Class upon Common Law, upon the following dates in Michaelmas Sittings :—

October 28, 31.
November 4, 7, 11, 14, 18, 21, 25, 28.
December 2, 5.

Books :—Anson on Contracts; Ringwood on Torts.

The Lectures to both Classes will be delivered at 4 p.m. in the Lecture Theatre of the Society at the Four Courts. Apprentices desirous of attending either lecture class should give notice to the Secretary before the 18th October.

Solicitors' Benevolent Association.

MEETINGS of the Directors will be held upon the following dates :—

October 30th.
December 4th.

Notice as to "Gazette."

THERE will not be any issue of the Gazette for either of the months of September or October; the next issue of the Gazette will be for the month of November.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

ROONEY & KELLY
SOLICITORS,
(Formerly of 2 Westmoreland Street, Dublin),
HAVE REMOVED THEIR OFFICES TO
NO. 5 EDEN QUAY, DUBLIN.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin,"

Telephones 2807 (2 lines).

November, 1912.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 5.]

November, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

October 2nd.

Mr. William Fry.

A LETTER was read from Mr. Fry requesting to be excused from attendance at Council Meetings during October and November, owing to absence from Ireland, and intimating that having been a member of the Council for 27 years he had decided to retire, and accordingly would not seek re-election in November. It was resolved that a letter, in reply, be written to Mr. Fry expressing the deep regret of his colleagues at his decision not to seek re-election on the Council, and their keen appreciation of his valuable services to the profession and to the Society.

President's Badge.

A letter, in reply, was read from Ulster King of Arms conveying His Majesty's permission for the President for the time being to wear the Badge of the Society at Court functions.

Bankruptcy (England) Bill.

It was resolved that steps be taken against the passing in its present form of Clause 9 of this Bill, under the provisions of which, as introduced, a trader domiciled in Ireland or Scotland, who carries on business by an agent in England, would be subject to the jurisdiction of the English Bankruptcy Court in respect of debts contracted by his agent in England. It was decided to ask the co-operation of the Incorporated Society of Law Agents in Scotland in this matter.

Coroners' Courts.

A letter was read from a member drawing attention to the following resolution adopted upon 16th September by the Corporation of Dublin:—"Resolved—That, in the opinion of the Municipal Council, the claims of Trade Union officials to be allowed to appear at Coroners' inquests and examine witnesses, when the interests of their members are involved, is a reasonable one; that we call upon the City Coroner to grant the facilities asked for, provided that legal representatives be also employed by such Trades Unions at such inquests." The resolution further drew attention to a circular issued by the Lord Lieutenant in August, 1908, to all Coroners in Ireland dealing with representation of railway men at inquests. It was resolved that the thanks of the Council be expressed to the member for his letter.

Illegal Conveyancing.

The Council directed proceedings to be instituted under 27 Victoria, Cap. 8, against a non-professional person for drawing a deed for remuneration, the particulars of which were furnished by a country member.

October 16th.

Judgment Searches.

A letter from a member upon the subject of judgment searches was referred to the Court and Offices Committee.

Bankruptcy (England) Bill.

Letters, in reply, from the Incorporated Society of Law Agents in Scotland, in reference to Clause 9 of this Bill, were read,

expressing agreement with the view of the Council upon the subject.

Court of Examiners.

The report of the Court of Examiners upon the Intermediate Examination was submitted and adopted. The result of the examination appears in this GAZETTE.

Debating Society.

In reply to the request of the Debating Society, the Council granted the use of the Hall of the Society for the opening meeting.

October 30th.

Chancery Actions.

A letter from a member was read drawing attention to the difficulty arising from no list of actions set down for hearing before the Chancery Judges being available before the sittings begin. The matter was referred to the Court and Offices Committee.

Court of Examiners.

The report of the Court of Examiners upon the October Preliminary and Final Examinations, and as to the award of the Findlater Scholarship, was submitted and adopted. The result of the examinations appears in this GAZETTE.

Bankruptcy (England) Bill.

Letters were read from Mr. Horner, K.C. M.P., and from Mr. P. J. Brady, M.P., stating the steps they had both taken in response to the request of the Council, in reference to Clause 9 of this Bill, and letters in reply, expressing the thanks of the Council, were directed to be written.

Finance (1909-10) Act, 1910.

The draft of regulations about to be made by the Land Judge in reference to the mode of dealing with forms and provisional valuations issued by the Commissioners of Inland Revenue, in reference to lands which are for sale in the Court of the Land Judge, or over which Receivers have been appointed, were submitted as amended by the Sub-Committee to which the Council had referred them.

County Courts Committee.

A report from the County Courts Committee upon the County Court Judges' report, as to the changes and amendments in the jurisdiction, procedure, and practice in the County Courts in Ireland which they deem desirable, and also upon their suggestions for amending the County Courts Bill of 1911, was discussed, and was adjourned for further consideration.

Costs Committee.

A report from the Costs Committee giving decisions upon three queries was adopted. The queries and the answers of the Committee are as follows:—

1. Q.—Under which scale should the costs be drawn of a lease for 10,000 years at £60 per annum of a building in the City of Belfast.
 - A.—It being admitted by the parties that the rent is a rack-rent in amount, for the premises as they now stand, the costs should be drawn under the scale applicable to leases at rack rent.
2. Q.—Under which scale should the costs be drawn of a lease of premises for 99 years, at yearly rent of £28 19s. 0d., the lessee covenanting to expend £75 in permanent and substantial repairs. One item of the repairs was the putting of a new roof on a house?
 - A.—The costs should be drawn under the scale applicable to building leases.
3. Q.—A limited liability company, being customers of a bank, obtained an overdraft from that bank on the security of an equitable deposit of title deeds. On the overdraft reaching £4,000, the bank required the company to create one debenture in favour of the bank for the amount of the overdraft, which debenture was to be a floating charge. Is it the right of the solicitor for the bank, or of the solicitor for the company to draft the debenture and have it printed?
 - A.—Under the circumstances it is the right of the solicitor for the bank to draft the debenture and have it printed.

Annual Report.

The draft annual report of the Council was considered and adopted.

Council Meetings.

MEETINGS of the Council will be held upon the following dates :—

November 13th and 27th.
December 4th and 11th.

Committee Meetings.

THE following Committee Meetings were held during October :—

Bankruptcy, 15th.
Court of Examiners, 15th and 28th.
Report, 21st.
Privileges, 22nd.
County Courts, 23rd.
Costs, 24th.

Ballot for Election of Council.

THE ballot for the election of the Council will take place in the Secretary's office, between the hours of eleven o'clock a.m. and one o'clock p.m., on Thursday, the 21st day of November, 1912. Ballot papers sent by post should be posted so as to reach the Secretary not later than one o'clock p.m., on Thursday, the 21st day of November, 1912.

General Meeting of the Society.

THE Half-yearly General Meeting of the members of the Society will be held in the Hall of the Society, in the Solicitors' Buildings, Four Courts, on Tuesday, the 26th day of November, 1912, at the hour of two o'clock p.m. The Report of the outgoing Council will be submitted for adoption.

New Members.

THE following have joined the Society since July, 1912 :—

Elliott, Thomas, Strabane.
Kepple, Daniel, Mallow.
Martin, George, Ballyjamesduff.
O'Farrell, Charles M. A., Clonmel.

Obituary.

MR. LOFTUS T. ROE, Solicitor, Dublin, died upon the 3rd August, 1912.

Mr. Roe, who served his apprenticeship with his father, the late Mr. John Roe, of

27 Upper Sackville Street, Dublin, and Maryborough, Queen's County, was admitted in Trinity Sittings, 1889, and practised at 27 Upper Sackville Street, Dublin, subsequently at 5 Leinster Street, Dublin, and Maryborough, up to the year 1904, when he retired.

MR. ROBERT L. BROWN, Solicitor, Oldcastle, died upon the 8th August, 1912, at his residence, Oldcastle, Co. Meath.

Mr. Brown, who served his apprenticeship with Mr. Stephen J. Brown, Solicitor, Naas, was admitted in Hilary Sittings, 1900, and practised at Oldcastle.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths :—

Frederic E. Bermingham, Solicitor, 13 Molesworth Street, Dublin.
Claude J. Law, Solicitor, 60 Dawson Street, Dublin.
Alfred S. Machin, Solicitor, 13 Leinster Street, Dublin.
James H. McLoughlin, Solicitor, 12 Trinity Street, Dublin.
William J. Ryan, Solicitor, 83 Lower Gardiner Street, Dublin.

Winter Assizes, 1912.

THE Winter Assizes Counties for 1912 are as follows :—

Ulster (at which the Hon. Mr. Justice Wright will preside).—The Winter Assizes for Ulster will be held at Londonderry for the County of Antrim, the County of the City of Belfast, County Down, County Armagh, County Monaghan, County Donegal, County Londonderry, County of the City of Londonderry, County Fermanagh, County Tyrone, County Cavan.

Munster (at which the Hon. Mr. Justice Dodd will preside).—The Winter Assizes for Munster will be held at Cork for the County and City of Waterford, County Kerry, County Clare, County and City of Cork, and County Tipperary, North and South Riding.

Leinster (at which the Right Hon. Mr. Justice Madden will preside).—The Winter Assizes for Leinster will be held at the Commission Court, Green-Street, Dublin, for the

County Dublin, County Kilkenny, Queen's County, King's County, County Meath, County Westmeath, County Louth, County Longford, County Wicklow, County Kildare, County Wexford, County Carlow.

Connaught (at which the Right Hon. Mr. Justice Kenny will preside).—The Winter Assizes for Connaught will be held at Limerick for the County Leitrim, County Galway, County Mayo, County Roscommon, County Sligo, and the City and County of Limerick.

Irish Land Purchase.

THE following has appeared in the Parliamentary papers:—

Q. Mr. Lardner.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will state the total amounts paid in Ireland for land under each of the respective Land Purchase Acts, the Amount of the purchase money of land agreed to be purchased under recent purchase Acts, and for which the purchase money has not yet been paid, showing whether these estates are to be paid for with cash, stock, or part cash and part stock; and will he state the sum estimated to be necessary to complete land purchase in Ireland. [4th November, 1912.]

A. Mr. Birrell.—The amounts advanced for land purchase under the Irish Land Purchase Acts, up to the 31st March, 1912, were as follows:—

Act of 1870	...	£ 518,933
Act of 1881	...	240,801
Act of 1885	...	9,992,536
Acts of 1891–6	...	13,146,892
Act of 1903	...	49,128,508
Act of 1909	...	1,488,039
Total	...	74,515,709

This figure does not include advances amounting to £3,588,829 made out of the Land Purchase Fund pursuant to Section 16 of The Labourers Act, 1906, and is also exclusive of payments in cash amounting to £1,358,898 made by tenant purchasers in part payment of the purchase money of their holdings.

The amounts applied for but not advanced on the 31st March, 1912, were:—

Act of 1903	...	£ 35,556,355
Act of 1909	...	2,609,533

Total ... 38,165,888

and in addition the Congested Districts Board were in negotiation for the purchase of lands in the congested districts counties of an estimated purchase money of 4½ millions, in respect of which agreements had not been entered into on that date.

The purchase money under the Act of 1909 is payable in 3 per cent. Guaranteed Land Stock equal in nominal amount to the sum to be advanced, while in the case of pending sales under the Act of 1903 the purchase money is payable in cash as regards £27,415,861, and as regards the balance vendors elected to accept payment either wholly or partly in Guaranteed 2½ per cent. Stock in accordance with Section 3 (2) of the Act of 1909 for their estates; representing a purchase money of (a) £6,632,244, (b) £1,508,250, in (a) half stock half cash, and (b) wholly in stock. Parliamentary Paper Cd. 6130 of this year gives the most recent estimate prepared as regards the information asked for in the concluding portion of the Question. [4th November, 1912.]

New Solicitors.

ADMISSIONS DURING AUGUST, SEPTEMBER, AND OCTOBER, 1912.

Name	Served Apprenticeship to
Hastings, John Lawrence	Joseph I. Donaghy, Belfast
Herron, James	R. A. E. Evans, Ballynahinch
Horne, Francis Junius	Joseph Carroll, Newry, and Edwin Harris, Newry
Martin, George	John Mackay, Dundalk, and John V. Fahy, Dublin
O'Connor, Francis Joseph	T. G. Quirke, Dublin
Rutherford, Samuel George	F. G. McKeever, Drogheda
Smith, John Joseph	E. I. Thornton, Waterford
Tarrant, Samuel	John Tarrant, Sligo, and M. J. Howley, Sligo

Results of Examinations.

At the Preliminary Examinations held upon the 3rd and 4th days of October, the following passed the Examination, and their names are arranged in order of merit :—

1. Jasper T. Brett.
2. Austin Cullen.
3. Thomas O. J. Kavanagh.
4. Thomas H. O'Donovan.

Thomas O. Davis and William J. McCourt passed the modified Preliminary Examination, for which they had liberty to present themselves.

Nine candidates attended the examination : six passed ; three were postponed.

At the Intermediate Examination held upon 7th October, the following passed the examination :—

CLASS I.

1. Ivan A. Howe.
2. Patrick R. Boyd.
3. Reginald F. Clery.
4. Edmond A. Rice.
5. Cecil J. Farrell.
6. Robert A. Osborne.
7. Gerald L. Alderdice.

CLASS II.

1. Arthur Kenny.
2. Robert W. McGonigal.
3. Thomas Dunbar.
4. Thomas C. Doyle.

The remaining candidate is postponed.

Twelve candidates attended the examination : eleven passed ; one was postponed.

At the Final Examination held upon the 8th, 9th and 10th days of October, the following passed the examination, and their names are arranged in order of merit :—

1. Robert H. Mathews, B.A., R.U.I.
2. William J. G. Seeds.
3. Andrew Robb.
4. Michael Noyk, B.A., T.C.D.
5. Daniel C. S. P. Moon.
6. John G. Oulton.
7. Patrick H. Rosney.
8. Richard H. Hudson.
9. Robert V. Hamilton, B.A., R.U.I.
10. Richard F. T. Greer.
11. Percy J. Waldron.
12. William W. M. Knight.

The remaining candidates are postponed.

The Court of Examiners have awarded a Gold Medal to Robert H. Mathews, B.A., R.U.I. ; a Silver Medal to William J. G. Seeds, and a Special Certificate to Andrew Robb.

Seventeen candidates attended the examination : twelve passed ; five were postponed.

Findlater Scholarship.

THE Findlater Scholarship for 1912 has been awarded to Mr. Francis J. O'Connor, B.A., R.U.I., who served his apprenticeship to Mr. T. G. Quirke, of 15 South Frederick Street, Dublin, and obtained first place and a Gold Medal at the Final Examination held in May, 1912.

Solicitors' Apprentices Debating Society.

THE Opening Meeting of the 1912-13 Session was held in the Hall of the Incorporated Law Society upon the 25th October, 1912, and was presided over by the President of the Incorporated Law Society (Mr. Gerald Byrne).

The Auditor (Mr. Ambrose Davoren, B.A.) read an inaugural address on "The Rights of Minorities."

The first resolution :—"That the best thanks of the Society be given to the Auditor for his address, and that it be printed at the expense of the Incorporated Law Society," was moved by Captain Bryan Cooper, D.L., and seconded by Mr. Patrick Lynch, K.C.

The second resolution :—"That the Solicitors' Apprentices' Debating Society is worthy of the support of the Solicitors' Apprentices of Ireland, the Council of the Incorporated Law Society, and the Solicitors' profession," was moved by Professor Kettle, and seconded by Mr. Hanna, K.C., and after the President had addressed the meeting, the proceedings terminated.

THE weekly meetings of the Debating Society will be held on Monday evenings at eight o'clock, p.m., in the Antient Concert Rooms, Great Brunswick Street. The Honorary Secretary of the Society for 1912-13 Session is Mr. Arthur C. J. Cox, B.A., 26 Merrion Square, North, Dublin, with whom apprentices desirous of joining the Society should communicate.

Dates of Examinations.

THE following are the dates of the January, 1913, Examinations:—

January 6, 7 and 8.—Final (Notice to be lodged before December 7th).

January 9 and 10 Preliminary (Notice to be lodged before December 10th).

Solicitors' Benevolent Association.

A MEETING of the Directors was held on 30th October, Sir George Roche in the Chair, and twelve other Directors present.

Letters apologising for inability to attend were received from Mr. William Fry, Chairman, and Mr. Richard S. Reeves.

The Secretary reported having received since last meeting £22 1s. 0d. in annual subscriptions, bringing the total amount for the year up to £540 15s. 0d.

Applications for relief were received from seven candidates, and grants amounting to £72 10s. 0d. were made to them.

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December, 1912.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING
26TH NOVEMBER, 1913:

President :

JAMES HENRY.

Vice-Presidents :

CHARLES G. GAMBLE.

ARCHIBALD V. MONTGOMERY.

Ordinary Members :

GERALD BYRNE.

RICHARD A. MACNAMARA.

WILLIAM S. HAYES.

GEORGE COLLINS.

WILLIAM J. SHANNON.

SIR AUGUSTINE F. BAKER.

PATRICK J. BRADY, M.P.,

ARTHUR E. BRADLEY.

JAMES A. DENNING.

JOHN W. RICHARDS.

HENRY J. SYNNOTT.

JAMES HENRY.

CHARLES ST. G. ORPEN.

ROBERT G. WARREN.

WILLIAM V. SEDDALL.

RICHARD S. REEVES.

JOSEPH E. MACDERMOTT.

IGNATIUS J. RICE.

CHARLES A. STÁNUELL.

JAMES MOORE.

A. LLOYD-BLOOD.

ARCHIBALD V. MONTGOMERY.

R. BLAIR WHITE.

CHARLES G. GAMBLE.

HENRY SHANNON.

JAMES MURPHY.

JOHN H. WALSH.

JOHN G. FOTTRELL.

ARTHUR H. S. ORPEN.

JAMES S. GAFFNEY.

W. HOUGHTON FRY.

Provincial Delegates :

Ulster—THOMAS M. GREER.

Munster—HENRY BLACKALL.

Leinster—MICHAEL BUGGY.

Connaught—WILLIAM P. KELLY.

Extra-Ordinary Members :

Northern Law Society.

JOHN C. WHITE

JOSEPH ALLEN

MARTIN J. BURKE.

JOHN D. COATES.

GEORGE B. WILKINS.

Southern Law Association.

W. GUEST LANE.

ALFRED BLAKE.

FREDERICK HALL.

ARTHUR H. JULIAN.

WALTER THORNHILL.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 6.]

December, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the members of the Incorporated Law Society of Ireland was held in the Hall of the Society at the Four Courts, on Tuesday, 26th November. The chair was occupied by Mr. Gerald Byrne, President of the Society.

The following members were present:—Sir G. Roche, Sir A. F. Baker, Messrs. W. S. Hayes, W. J. Shannon, R. A. Macnamara, Geo. Collins, C. St. G. Orpen, F. C. E. Bland, J. A. Denning, H. J. Synnott, F. W. Meredith, Jas. Henry, R. G. Warren, A. E. Bradley, C. A. Stanuall, A. V. Montgomery, A. Lloyd-Blood, Jas. Moore, P. K. White, W. J. Brett, Patk. Rooney, H. C. Neilson (Jun.), A. G. Joyce, M. A. Smyth, E. J. O'Farrell, H. Shannon (Nenagh), W. Grove White, J. J. Cartan, C. Corcoran, R. A. O'Brien, E. Condell, N. V. Lenéhan, John Read, Wm. Read, C. G. Thompson, R. T. Holmes, E. N. Edwards, Jas. Brady, T. G. Quirke, J. R. Stritch, G. A. Howe, J. H. Montgomery, B. Thompson, M. C. O'Halloran, J. G. Lidwell, T. A. Ireland, J. H. Walsh, E. H. Burne, G. A. G. Byrne, W. J. Byrne, S. M. Bell, J. W. Dyas, O. E. Barber, P. Seales, P. C. Furlong, Chas. Daly, A. H. S. Orpen, A. D. Orr, E. M'Neill, H. W. Franck, H. D. Vaughan, R. W. MacNiece, W. Williamson, G. T. C. Roe, Jas. W. Davis, W. H. Sutton, R. C. Joy, W. H. Fry, S. Kerr, G. M. Collins, C. M. Grimes, T. H. R. Craig, W. T. Phibbs, B. G. Barton, F. S. D. Colquhoun, L. J. O'Neill, L. J. O'Reilly, H. R. Maunsell, J. G. Perry, H. K. Clay, W. P. Kelly (Athlone), H. Malley, W. J. Ryan, W. J. M. Coulter, J. V. Fahy, W. H. Geoghegan, C. P. Wilson.

Mr. W. G. Wakely, Secretary, read the notice convening the meeting, also the minutes of the Half-yearly General Meeting held upon the 16th May, which latter were signed by the President, who also signed the audited accounts of the Society for the year ending 30th April, 1912.

The Secretary submitted the report of the Scrutineers of the ballot for election of Council for the year ending the 26th November, 1913, which stated that the following had been returned unopposed as Provincial Delegates: Henry Blackall, for Munster; Thomas M. Greer, for Ulster; M. M. Buggy, for Leinster; William P. Kelly, for Connaught; and that the following, having received the number of votes placed after their names, had been elected as the thirty-one ordinary members of the Council:—Gerald Byrne, 301; R. A. Macnamara, 287; W. S. Hayes, 283; George Collins, 276; W. J. Shannon, 268; Sir A. F. Baker, 259; P. J. Brady, 255; A. E. Bradley, 250; J. A. Denning, 241; J. W. Richards, 240; H. J. Synnott, 234; James Henry, 233; C. St. G. Orpen, 232; R. G. Warren, 232; W. V. Seddall, 229; R. S. Reeves, 220; J. E. MacDermott, 216; I. J. Rice, 215; C. A. Stanuall, 203; James Moore, 194; A. Lloyd-Blood, 186; A. V. Montgomery, 186; R. Blair White, 185; C. Gamble, 178; Henry Shannon, 171; James Murphy, 169; John H. Walsh, 142; John G. Fottrell, 138; A. H. S. Orpen, 132; James Gaffney, 132; W. H. Fry, 131; and the following to form a supplemental list to fill vacancies:—T. G. Quirke, 130; Basil Thompson, 127; R. A. Walker, 125.

THE PRESIDENT, in moving the adoption of the annual report of the Council,

said :—I wish to refer to the fact that seven gentlemen, who were members of this Council for a great number of years, do not present themselves for re-election. Everyone of these gentlemen is a great and serious loss to the Council (hear, hear). They are Mr. Thomas Franks, Mr. William Fry, Sir George Roche, Sir John P. Lynch, Mr. Lyster, Mr. Meredith, and Mr. Bland, each of whom, save one, has acted in the position of President of your Society. The great experience, the calm deliberations, and wise counsel of these men, who have taken such an active part in the interests of the profession must be a serious loss. However, when pressed to remain upon the Council, their unanimous decision was, that they thought that they had done their part of the work, and it should devolve upon younger men to take it up; and I am glad to see so many influential, active and energetic men have been chosen to replace those friends of our profession who have not sought to be re-elected. As to the report which has been circulated, you will see, although there is an increase in the membership of the Society, it is not sufficient as compared with the number of practising Solicitors on the Roll, and in these days of combination and Trades Unions it is of the utmost necessity that all Solicitors practising in Ireland should become members of the Society. See what powerful influences Trade Unions have, see the powerful influence of the Medical Association in dealing with what they consider the unfair provisions of the Insurance Act. The architects, the accountants, the engineers, and all other professions to a man almost have the members of their profession as members of their Society. There is entirely too much apathy about the Solicitors' profession. The inroads that are attempted to be made upon it, and which sometimes succeed, demand a strong phalanx to repel them, and it is by every member of the profession joining the Society that they will be able to withstand ungenerous and unjust attacks. I therefore ask my brethren who have not joined to do so without delay (hear, hear). County Court practice in Ireland is an important matter, and I am glad to be able to say that my promise to the Society last May, that I would press on the matter, has been fulfilled, for we have sent to the Lord Chancellor our observations upon the County Court 'Judges' suggested amend-

ments of the existing law, and upon their suggested amendments of our Bill which seeks to amend the existing law. He will submit them to the Chief Secretary, who will then consider the propriety of making the Bill a Government measure. The Coroners Inquests (Railway Fatalities) Bill, 1912, which sought to allow unqualified persons, instead of qualified Solicitors, to act at inquests, is an instance of the inroads sought to be made on our profession. I highly approve of workmen having legal rights to combine together for the well-being of their trades union and make rules for themselves, which rules include not allowing their members to work in common with men who are non-union men; but I protest that their unions should "practice what they preach" (hear, hear), and not seek to act as Solicitors unless they become Solicitors. We should get protection in these matters from Parliament. We pay heavy fees to become Solicitors, spend years in study, and pass examinations of a very severe nature in classics and law. We pay a heavy annual tax called certificate duty. Nearly all the money goes for the upkeep of the nation, and we will ever struggle against, what I may call by the common but expressive name of "blackleg labour;" and I again urge upon the profession the necessity of every member joining to assist us in our determination. I am happy to say that owing to our action the County Court printed lists of Sessions and business is again issued and arrangement made for the expenses of same. The Bankruptcy Bill, which would have enabled traders in other countries to be adjudicated by the London Courts and the investigating of the cases carried on there, will be amended at our instance, and Ireland will be excluded from the operation of the Act (hear, hear). I cannot pass from this portion of my address upon the report without giving the thanks of our Society to our fellow-member of the Council, Mr. Patrick J. Brady, M.P., who has, through his position in Parliament rendered yeoman service to our profession and the public (hear, hear). He is in constant touch with your President and Secretary, and we are thus enabled to have early information of attacks and inroads likely to be made upon our profession, and thus take time by the forelock. As will be seen from the report, your Council have been

busy with questions under the Labourers' Act, and the remuneration of Solicitors thereunder. Correspondence has passed with and consultations have been held with the Local Government Board, the results of which from the report will be seen have not been satisfactory. Guaranteed Stock has, through our influence, been put upon a firmer basis. Provision for proper remuneration for work done by Solicitors and Receivers in filling up the new forms under the Finance Act and required for sales in the Land Judges Court has been made. The troublesome question of fee funds to be paid on appeals from County Court has been settled, so no difficulty will arise in the future about them. We have again asked to be relieved from the iniquitous tax of annual certificate duty, and received the usual reply, that the Chancellor could not see his way to reduce or abolish it. Well, if the Government insist on taxing us we will insist on the Government protecting our profession from inroads by persons not members of the profession—and this is only fair (hear, hear). We are always ready in proper cases to prosecute parties at the expense of the Society who practice illegally, and we request the members to give immediate information of such cases to our Secretary. We have tried to have the Easter and Whitsuntide Vacations so fixed that the festive occasions should not occur during Sittings, but owing to the going out of Judges on circuit it is thought not workable. Questions on costs by members receive prompt attention, and as to fixing a definite fee for filling up the Form 4 under the Finance Act, the Council think it should be dealt with upon a *quantum meruit* basis. We have received our Grant of Arms from the Ulster King of Arms, and His Majesty has given sanction to the wearing of the President's badge at Court functions. I cannot conclude my remarks upon this report without referring to a matter which is personal to myself. I think I am the first of practising Quarter Sessions Solicitors who has had the honour of being President of this important Society, and when I took office by the votes of the Council, I determined, so far as in me lay, to devote my energies to the interest of the profession, and it is a great satisfaction to me to-day to find at the end of my year of office I am re-elected at the head of the poll

as member of the Council for the ensuing year (applause). This fact shows me that my actions and exertions have met with the approval of my brother professional men (applause).

MR. R. A. MACNAMARA said he had much pleasure in seconding the adoption of the report. He wished, in the first place, to join with the President in expressing the great regret of the Council and, he was sure of the whole profession, at the retirement of so many eminent members of the profession from the Council, men who were foremost in their attention to the interests of the profession and who were constant in their attendance at meetings of the Council. The principal matter referred to in the report was that dealing with the County Courts. As the report stated, they received from the Lord Chancellor the suggestions of the County Court Judges. They went through these suggestions most carefully, and were able to agree with many of them, and had returned them to the Lord Chancellor with their observations. He hoped that now that the question had been debated the Government would take the matter in hand and would soon bring forward a Bill dealing with the subject. The Council took the greatest care in examining every Bill brought in, and scrutinised them to see if in any way the rights and interests of the profession were interfered with. Whenever they saw anything that was calculated to injuriously affect the profession they had asked Mr. P. J. Brady, M.P., who was kind enough to look after their interests in the House, to do what he could for the safeguard of the profession. Another matter referred to in the report was the discontinuing of the publishing of the lists of Quarter Sessions' cases. There was some difficulty owing to the cost. They had communicated with the various County Councils on the matter, and had received satisfactory replies from several.

MR. T. H. R. CRAIG said he did not rise to move any amendment, but inasmuch as he took part in the special meeting held last January, he would like to say a word to correct an impression that, he thought, had got out erroneously amongst the Sheriffs of Ireland about the Bill. He had received a letter that morning from a well-known Sheriff in Ireland, and he might say,

incidentally, that the writer was also one of the best Sheriffs in Ireland. He wrote to say that he understood the members of the Law Society had thrown over the Sheriffs. Now that was a wholly erroneous impression for the Sheriffs of Ireland to take up. It would be madness on the part of that Society to throw over the Sheriffs. Many of the Sheriffs were Solicitors, and they especially should get their support and protection. As far as he understood the Bill it dealt very largely with the Sheriffs, and the amendments to be made would enable Sheriffs to make good debts out of bad ones in a great number of cases.

MR. R. A. MACNAMARA said that when the Sheriffs' Bill was brought in, the Council had an interview with them, and considered the matter in a sympathetic manner. The Council gave the Sheriffs every possible assistance, and it was not their fault that no legislation in relief of the Sheriffs had been passed.

MR. STANUELL said there had been cordial co-operation on the part of the County Court Judges, the Law Society, and the public in regard to the County Court procedure. This was, he thought, the first time that had taken place, and it was a great credit to the President to have brought about that happy state of affairs. It looked as if they were going to have an unopposed measure for the reform of the County Courts. It was to be hoped that the principle of unity of action would be more generally adopted not only in Dublin but throughout the country (hear, hear). He had always held the theory that the interests of the profession and the interests of the public were really the same. If the law be satisfactory and good, they got plenty of it to do, and the public resorted to it, because they knew the result would be satisfactory. But if the law be bad it was very expensive for them to work and very expensive for the public to pay for and get no benefit from it.

MR. W. GROVE WHITE asked that penalties recovered by the Society should be handed over to the Solicitors' Benevolent Association.

THE PRESIDENT said there was no doubt a representation was made to them as to trying to make Sheriffs permanent in this

Bill. The Council considered the matter, and they came to the conclusion that this County Courts Bill dealt only with procedure in those Courts, while the Sheriffs were officers of the High Court as well as the County Court. The Sheriffs themselves, some seven years ago, sent in for consideration a separate Bill dealing with their offices altogether and making them applicable to both Courts. The Council went through that Bill and approved of it as amended. The Bill had not been passed, and it lay upon the Sheriffs to bring it forward again, when it would have the support of the Society. As to Mr. White's suggestion, whenever there was a surplus over the actual expense of prosecutions, it would go to the Solicitors' Benevolent Association.

The report was adopted.

MR. CRAIG moved, in accordance with notice,

"That the Bye-laws, and other regulations of the Incorporated Law Society of Ireland, be amended in such a manner as will insure that the annual report and audited accounts of the Society for the previous twelve months shall be in the hands of all members of the Society at least fourteen days before the last day for nominating members for election on the new Council for the ensuing year, so that the general members of the Society will have an opportunity, before being called upon to elect the new Council, of knowing what the outgoing Council have done for the profession during their year of office, and that such of the members of the outgoing Council as do not intend to seek re-election, shall state so in their report.

He wished to say at once that they had no spirit of antagonism towards the Council in dealing with this matter. They wanted to make the Incorporated Law Society—as the President said—the Society for every member of the profession. But the members would see that the report did not reach country members in anything like reasonable time to allow them to digest what was in it and enable them to decide whether they should attend the meeting or not. As far as he could see there could be no difficulty whatever in the report being in the hands of the members in the time they asked in the motion. The

accounts were only made up to the end of last April, and it would not mean any additional trouble whatever. The bye-laws provided that the annual meeting was to be held on the 26th November, and that notice of motion must be sent in fourteen days before that. The voting papers by which the Council were to be elected were to be sent out not later than the 14th November. But the report—he did not know under what bye-law—did not reach the members until four or five days before the meeting. Now, the object of the Council, he presumed, was to represent the general body of the Solicitors throughout the country (hear, hear). They ought to be a democratic Society, and the Council ought to be elected on democratic lines. Every member of the Society ought to have an opportunity of having his say as regarded the election of the Council. They had only to take the figures that had been returned there that day to show how small an interest members in the country took in the election of the members of the Council. The members received three hundred odd votes. Could they say that the Council was elected by the general body of the profession throughout the country? He believed that if the report was sent out in plenty of time for the general members of the profession throughout the country to read and it study it, and if the Council in the report stated that all or so many members of the Council as from time to time desired to do so would present themselves for re-election, or that there would be so many vacancies owing to old members not seeking re-election, country Solicitors would take a far greater interest in the working of the Society, with the result that they would have every country member of the profession joining. He did not suppose there was a friendly society or a company who would dare to send out to their members nomination papers for their Governing Body for the ensuing year without in the first instance sending out a statement of accounts and report of the work done during the previous year.

MR. JAMES BRADY seconded the motion. He thought Mr. Craig's observations deserved consideration, as they had good, sound commonsense behind them. There could be no doubt that when gentlemen were seeking re-election, before any persons had

any call to elect them, they ought to have knowledge of the work performed by them during the preceding twelve months. He felt convinced that the members of the Society present, as well as those who were absent, would see the force of Mr. Craig's motion, and that it would be carried unanimously by the meeting that day. He was delighted to hear the observations of the President, whose term of office had been of the greatest possible benefit to the profession throughout Ireland, and his retention on the Council would continue to have a good effect. The outgoing Council were more or less modest with regard to their efforts in the past year. There were very few things brought before the Council in which they did not take effective steps. He would ask the members of the profession throughout the country to take to heart the request made by the President, and to join the Society and make it a really representative body (hear, hear). That was the body to which they should belong. That was the only effective association that could do any good for the profession throughout Ireland. He had protested, and would continue to protest, against gentlemen growling who would not pay a miserable sovereign which would give them an opportunity of being represented there. The local bodies—and he was Vice-President of one of them—might be useful for arranging the procedure of County Courts, but they could not take such effective action as an incorporated body such as the Society was. Out of sixteen or seventeen hundred on the roll of Solicitors in Ireland only a miserable five hundred belonged to that great Society. He could not understand why the majority hesitated to assist the Council in looking after their affairs by paying £1 a year and becoming members.

MR. JAMES HENRY said he endorsed what Mr. Brady had just said. But his figures were not quite accurate. The members of the profession on the roll were 1,590, and he was glad to say that in the present year there were 813 members on the roll of the Society. That was more than half the members of the profession were members of the Society. But he was not at all satisfied with that, and he did not think they in Dublin ought to be satisfied with it (hear, hear). There was no doubt that the Solicitors in Dublin got more benefit from the Society than Solicitors

in the country, but at the same time he thought the benefit Solicitors in the country got was very great. For instance, they enjoyed great privileges in connection with the Library, from which they could have books they required sent down to them by post, and read them comfortably in their offices. Indeed, except in attendance at meetings, it seemed to him the country members got as much benefit as the city. According to his observation cases that came up from the country were very often treated with more consideration than the statements received from their brethren in Dublin. Proceeding, the speaker said he could not support the motion. As to the annual report going out earlier, he did not think it was Mr. Craig's intention that the accounts should be earlier in the hands of members, because the working of the finances of the Society was never much a matter for discussion. He took it that Mr. Craig referred to the report simply. But the annual report could not possibly be in the hands of members and be at all an adequate report of the work of the year under the scheme suggested in the notice of motion. According to his calculation it would be necessary that the report should be in the hands of members about the 23rd October. Well, according to the usual practice in Dublin—and most of the members of the Council must necessarily be Dublin Solicitors—a great many of them who got their vacation late do not get back to their work before the 15th October, and it would be quite impossible, unless they closed the report of the proceedings of the year at the end of July, to present a report earlier, and, if they tried, it would not give them a full report of the year's working. The object of the report was to show the members of the Society what the Council had been doing during the previous twelve months. Besides, the members of the Society got in a much more extended way in the GAZETTE, which is sent to them ten months in the year, accounts of what the Council were doing. The annual report must, therefore, necessarily be merely a summary of what had taken place during the year, a summary of what had appeared in the GAZETTE every month. With reference to the second branch of the motion as to members of the Council who did not intend to seek re-election, he thought the motion, if

carried, would place them in an extraordinary position. Why should they be obliged to pillory themselves certainly a month before any other members of the Society? They all retired at the end of the year, and to frame the report in the way suggested by the motion would seem to him to look like canvassing to get back. The members of the Council came before the members of the Society just the same as any other members of the Society who came forward for election for the first time. The only thing was that they, the members of the Council, had had some experience, and the Society had on the face of the voting paper the record of the attendance of the different members. They had in the GAZETTE a record from month to month of what the members had been doing, and what more they wanted to get he could not see. While he agreed in the main with the general views expressed by the mover and seconder of the motion, he begged to oppose it, and he did not think it should be passed in its present form, or at all.

MR. JAMES A. DENNING said he would suggest that they should leave the matter to the Council. He was sure they would carefully consider the whole question, and see whether it was possible to give a longer time to the consideration of the report, because, unquestionably, they had at present only a short time to consider it. He thought himself that the May meeting was a most useless meeting, but they should leave these matters to the Council to consider. He had no authority to speak on behalf of the Council, but he ventured to make that suggestion from himself.

MR. MACNAMARA said he would ask them not to pass this motion as it would be impossible to carry it out and have the report at the date indicated. The report must deal with the proceedings of the whole year. It was not necessary to have the report to enable country gentlemen to understand what the Council were doing. The GAZETTE was sent out every month gratuitously, and it showed what the Council were doing. As to giving the names of retiring members, he submitted that was unnecessary, because every member of the Council retired at the end of the year, and had to come up for election as if he were never a member. It was not necessary to know that a particular man was retiring,

because they knew every man must retire. He would strongly urge the meeting not to pass the motion, and to leave things as they were at present (hear, hear).

THE PRESIDENT said that they would see in the report what was done during Vacation with reference to County Court procedure. But it did not tell them what he had told them that day, that a report on the subject had been actually forwarded to the Lord Chancellor. The preparation of that report was going on in the month of October, and it was not completed until the other day, so that the fact of its being sent in, could not be stated in the Council report, and he was of opinion that the report of the Council should not be circulated much earlier than it has been in the past.

MR. CRAIG said before the motion was put he wished to say one or two words. He did not think the motion had been met by any real business argument. It was said that if the motion were carried out the report would only be a six, eight or ten months' report, but he took it that would only apply to the first report. If his motion were adopted it would mean that the report would be put a fortnight back. But they would have a general meeting, and it would be quite open to the President to tell them anything that transpired since the report was sent out, as he had done that day. The report was dated the 30th October, and now, twenty-six days after, the general body of members were asked to adopt it although it had been only in their hands at most for eight days. Surely it is possible to send it out a fortnight or three weeks earlier than that, and that every member should have an opportunity of considering it and knowing exactly what is going on. It had been said that this was an unheard of proposition for an old member of the Council not seeking re-election to say so, but he ventured to say that if they took up the report of any board of directors they would see in it that Mr. So-and-so was retiring and did or did not seek re-election.

MR. MACNAMARA.—The whole board does not go out.

MR. CRAIG.—That is quite right; but these members going out say whether they intend to seek re-election. Many members of the Society did not like themselves to be nominated as candidates for the Council,

because they thought it looked as if they were putting themselves up against existing members of the Council, which they would not care to do; and there are many men who, if they knew there were going to be vacancies on the Council, would allow their names to go forward. He did not see any hardship in stating that a member did or did not intend seeking re-election. That was all the motion asked for. He thought his motion was a business-like proposition, and if they were ever to make the Council a really representative body of the whole profession and induce the Solicitors throughout the country to have confidence in and join the Incorporated Law Society they must take some steps like that. There was an impression abroad that the business of the Council was carried on in secret. That idea should be got rid of, and the members of the profession should be induced to join the Society.

MR. W. H. GEOGHEGAN said he saw the last item in the report was the results of the examination of apprentices. If Mr. Craig's motion were carried the results of the October examinations could not possibly appear. Possibly some arrangements might be made under the existing conditions with a view to expediting the printing of the report without disturbing the present system.

MR. CRAIG.—Didn't you know the result of the examinations on the 30th October?

THE PRESIDENT.—That is the day we did know them.

MR. R. A. O'BRIEN said that if the report was issued earlier they would be placed in the anomalous position that the incoming Council would have to include in their report the *lag end* of the preceding year.

THE PRESIDENT said the Council was only appointed for one year from the present date—the 26th November. On that date the entire Council went out. It was not a question of retiring or anything else—it was extinguished and ended. The old Council of 1911-12 was defunct that day, and that day the new Council was in office for 1912-13. To suggest that the report of the annual working of the Council was to be only prepared up to the month of July, and that the work of September and October was to be left out, was not right. It would be only a nine months' report, and the new Council would

have to give three months of past work and nine of their own to make up a year's report. The bye-laws provided that all persons nominated for the Council for the ensuing year could be nominated up to the 6th November. Why should a member of the Council be called upon to say a month earlier, "I won't go up?" With reference to the report being in hands earlier, he thought that was a matter that the incoming Council might take into consideration. But if Mr. Craig's motion was to be put as he had proposed it, certainly he (the President) could not vote for it. Perhaps, under the circumstances, Mr. Craig would not insist on having the motion put, but if he insisted he should put it.

MR. CRAIG said he was quite satisfied that the matter should be dealt with in a business-like way, and if the new Council were prepared to issue the report at a reasonable time before the annual meeting, he was quite willing to allow the matter to rest and to withdraw the remaining portion of the motion.

THE PRESIDENT suggested that after the discussion that had taken place it would be well to leave the matter in the hands of the Council.

MR. JAMES BRADY said that, as the seconder of the motion, he agreed the matter was one that should be left to the newly-elected Council.

The motion was then withdrawn.

SIR GEORGE ROCHE moved that Mr. Stanuell do take the second chair.

SIR GEORGE ROCHE proposed a cordial vote of thanks to the outgoing President, not only for presiding that day, but during the past year. In doing so he congratulated the new members of the Council, particularly the younger members, and he hoped the country members, whom they were proud to see, would endeavour to attend the meetings. He was sure the motion was one which they would pass by acclamation. Having served under so many Presidents he could say that nobody who had occupied the chair had done so with greater honour to the profession or given more time to the interests of the Society than Mr. Byrne. They sincerely trusted that Mr. Byrne, as a member of the Council, would continue to use his wonderful

energies to further the interests of the profession generally (applause).

SIR A. F. BAKER seconded, and congratulated Mr. Byrne on the admirable way he had carried out the duties of his office.

The vote of thanks was passed.

THE PRESIDENT said he thanked them heartily for the vote of thanks which they had passed to him. He could assure them that the confidence which they had reposed in him in again returning him on the Council was a sufficient vote of thanks to him for his conduct of the duties of the office of President.

The proceedings then terminated.

Meetings of the Council.

November 13th.

County Courts Committee.

THE report of the County Courts Committee upon the County Court Judges' report as to the changes and amendments in the jurisdiction, procedure and practice in the County Courts in Ireland which they deem desirable, and also upon their suggestions for amending the County Courts (Ireland) Bill, 1911, was further discussed, and was adopted.

It was resolved that a memorandum be sent to the Lord Chancellor containing the observations of the Council upon the report of the County Court Judges.

Labourers Acts.

The President informed the Council that he had been requested by the Local Government Board to attend, upon the following day, a consultation in reference to a draft amending Order under the Labourers (Ireland) Acts dealing with the remuneration of Clerks to District Councils. The Council requested the President to again draw the attention of the Board to the inadequate remuneration prescribed under the existing Order for Solicitors for furnishing title upon behalf of occupiers, and also to the desirability of amending the Order in respect of the class of persons included by it under the term "Occupier."

Ex-Presidents.

The Council resolved to invite ex-Presidents of the Society to present to the Society their portraits, to be placed in the Council Chamber.

Debating Society.

The list of subjects for debates for 1912-13 Session was submitted and approved of.

Retiring Members of Council.

The following resolution was adopted :—

“ That this Council desires to express its
“ deep regret at the retirement from it of
“ seven of its most valued members.
“ Their colleagues desire to express to
“ them their keen appreciation of their
“ valued services to the Society and to the
“ profession, and to hope that at a future
“ date they may see their way to again
“ become members of the Council.”

Mr. Franks, Sir George Roche, and Mr. Lyster, the three members present of the seven referred to, thanked the Council, and it was resolved that the resolution be forwarded to the other four retiring members.

November 27th.

Extra-ordinary Members.

A letter was read from the Northern Law Society submitting the names of the following members of that Society to be extra-ordinary members of Council :—Mr. J. C. White, Mr. Joseph Allen, Mr. Martin J. Burke, Mr. J. D. Coates, and Mr. G. B. Wilkins.

A letter was read from the Southern Law Association submitting the names of the following members of that Association to be extra-ordinary members of the Council :—Mr. W. Guest Lane, Mr. A. Blake, Mr. F. Hall, Mr. A. H. Julian, and Mr. W. Thornhill.

The ten members nominated were declared duly elected as the ten extra-ordinary members of the Council for the year ending 26th November, 1913.

Retiring Members of Council.

Letters were read from Sir John Lynch, Mr. Meredith, and Mr. Bland, thanking the Council for the resolution passed at its previous meeting.

Appeals under Land Purchase Acts.

A letter was read from the Honorary Secretary of the Bar Council enclosing a draft of a Petition to the House of Lords seeking a rule under the Appellate Jurisdiction Act, 1876, permitting an appeal to the House of Lords upon points of law decided by a Judicial Commissioner under Section 24 of the Land Purchase (Ireland) Act, 1903. The matter was referred to a Special Committee to deal with.

Civil Bill Decrees.

The following resolution was received from the Council of the Cork Chamber of Commerce and Shipping :—

“ That we, the Council of the Cork
“ Incorporated Chamber of Commerce and
“ Shipping, desire to draw attention to the
“ present unsatisfactory machinery for the
“ collection of Civil Bill Decrees in Ireland,
“ and that the Chief Secretary for Ireland
“ be asked to appoint a Committee to
“ enquire what steps should be taken to
“ place this branch of the Executive on a
“ more satisfactory basis. That copies of
“ this Resolution be sent to the Chief
“ Secretary, the Lord Chancellor, and the
“ Secretary of the Incorporated Law
“ Society.”

It was resolved that a reply be sent giving details of the action of the Council in the past in reference to the subject dealt with by the resolution, and stating that the Council would support (if again introduced in Parliament) the Under Sheriffs (Ireland) Bill promoted by the Under Sheriffs' Association, the provisions of which had been approved of by the Council in 1905.

Workmen's Compensation Acts.

A letter was read from the Southern Law Association sending amendments which the Association are desirous of having made in the rules under the Workmen's Compensation Act. The matter was referred to the County Courts Committee.

Local Bankruptcy Courts.

The proposed amendments to the Local Bankruptcy Court rules, prepared by the

Southern Law Association and approved by the Northern Law Society were considered, and it was resolved to send them to the Lord Chancellor, with a request that effect should be given to them.

Labourers Acts.

The President stated that, as requested by the Council, he had urged upon the Local Government Board the inadequacy of the remuneration of Solicitors for furnishing title upon behalf of occupiers, and the desirability of amending the Labourers (Ireland) Order in respect of the class of persons included by it under the term "Occupier," and that he had been informed that the matter would be considered by the Board.

Law Clerks.

Petitions from two Law Clerks for liberty to be bound under Section 16, and reports of the Court of Examiners thereon were considered, and both petitions were refused.

Council Meetings.

MEETINGS of the Council will be held on the following dates :—

January 15th and 29th.
February 12th and 26th.

Committee Meetings.

THE following Committee meetings were held during November :—

Court and Offices, 5th.
County Courts, 6th.
Gazette, 8th.
Court of Examiners, 18th.
Privileges, 22nd.

New Members.

THE following have joined the Society during November :—

Buggy, Patrick R., Waterford.
Counihan, Edward, Kilrush.
Dundon, John J., Limerick.
Felton, Edward, 18 Eustace Street, Dublin.
Kennedy, Charles T., Clonakilty.
Moran, Michael, Roscommon.

McDonnell, Philip S., Ballygar.
Quirke, Charles J., 15 South Frederick Street, Dublin.

Notaries Public.

THE Lord Chancellor has appointed the following to be Notaries Public :—

Michael Buggy, Solicitor, Kilkenny.
James Harte, Solicitor, Kilkenny.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths :—

Louis A. Crawford, Clerk of Petty Sessions, Killybegs.
William H. Edwards, Clerk of Petty Sessions, Markethill.

Obituary.

MR. JOHN FISHER, Solicitor, Newry, died upon the 3rd November, 1912, at his residence, Rostrevor, Co. Down.

Mr. Fisher, who served his apprenticeship with Mr. Hunter Moore, Solicitor, Newry, was admitted in Trinity Sittings, 1891, and practised, in partnership with his brother, Mr. Alexander Fisher (who carries on the business), under the style of Fisher and Fisher, at Newry.

MR. FREDERICK G. KERIN, Solicitor, Ennis, died upon the 20th November, 1912, at Dublin.

Mr. Kerin, who served his apprenticeship with the late Mr. Timothy Bunton, Solicitor, Ennis, was admitted in Trinity Sittings, 1886, and practised in partnership with Mr. F. W. Gore-Hickman (who carries on the business), under the style of Kerin and Hickman, at Ennis.

MR. THOMAS BARKLEY, Solicitor, Belfast, died upon the 27th November, 1912, at his residence Branmere, Osborne Park, Belfast.

Mr. Barkley, who served his apprenticeship with the late Mr. John G. Shaw, Solicitor, Belfast, was admitted in Hilary Sittings, 1896, and practised at Belfast.

County Tipperary and King's County (Birr Division) Sessional Bar Association.

THE Annual General Meeting of above Association was held at Limerick Junction on Monday the 18th ulto. Mr. John O'Dwyer (President) occupied the Chair, and there was a large attendance.

The Treasurer's accounts were submitted and considered satisfactory.

It was intimated that Mr. Henry Shannon, of Nenagh, joint Honorary Secretary, had been nominated for membership of the Council of the Incorporated Law Society on behalf of the Association, and this course was approved of unanimously.

The election of officers for the coming year was declared as follows:—

President.—Mr. John O'Dwyer, Tipperary.

Hon. Treasurer.—Mr. A. H. Morgan, Thurles.

Hon. Secs.—Mr. Henry Shannon, Nenagh; Mr. Thomas F. O'Brien, Clonmel.

General Committee.—Michael Gleeson, C.S., Nenagh; Richd. F. Barry, C.S., Birr; William Frewen, Tipperary; G. H. Sargent, Cahir; T. A. Stephenson, Carrick-on-Suir; H. T. Sayers, Cashel; L. J. Ryan, Thurles; J. P. Carrigan, Thurles; C. J. Spain, Roscrea.

County and City of Limerick Sessional Bar Association.

THE following Address, written for, and delivered at, the first Annual Dinner of the Association (held on 10th October, 1912), by Mr. Ralph Nash, Solicitor, and Registrar to the County Court Judge of Limerick, has been received for insertion:—

Brothers in Law, lov'd countrymen, and friends

Our union has begun to-night, but ends Not with our parting at the evening's close, For, on this night a bond is sealed by those Assembled here, a loyal, lasting bond, Not for an hour, but reaching far beyond Into the years to come of peace, or strife, A bond of friendship sealed for each man's life.

And since you have begun, one moment pause.

And think what life is to a "Man of Lawes:" He acts his part, first having conned his lines, Declaims of deeds, or penalties, or fines, He laughs, he cries, he prays, he sneers, he smiles,

Beguiling Court and Jury with his wiles; And, if his cause is won, he is a hero, If lost, his clients' friendship falls to zero: But we are strong, and thanks to Heaven 'tis needless

To say of praise, or blame, 'alike we're heedless,

And as in life each one has much to bear The "Man of Lawes" must also take his share;

But meeting here to-night as friend and brother

Let us unite in praising one another, Remembering, though mentioning no names, That each one here to merit has just claims; While I, avoiding legal technicalities, Will speak in trite, but truthful generalities Regarding what you were, and what you are, And put in hotch-pot our whole Sessions Bar, Giving at once the true, and just impression That you're a credit to your great profession.

Now when this night has gone into the past May fondly-cherished mem'ries of it last; As when a beauteous landscape meets the eye The happiness it gives can never die, So, may to-night a blessed memory be, May visions of it hold our thoughts in fee, And, each man pledged to each ere he departs, May friendship sealed take seisin of our hearts.

Finance (1909-10) Act, 1910.

THE Inland Revenue Authorities are prepared to exercise their discretion in not insisting on the full *ad valorem* duty of 1 per cent. being paid on Transfers of property from several members of Religious Orders holding property for their Orders (not upon any express trust) to other members of the Order, notwithstanding the absence of any Trust Deed.

The Inland Revenue are prepared to treat such Transfers as in reality Appointments of New Trustees, and assess a fixed Duty of 10s. irrespective of the value of the property.

Recent Decisions Affecting Solicitors.

(Notes of decisions, whether in reported or unreported cases, of interest to Solicitors are invited from Members.)

CHANCERY DIVISION (ENGLAND).

(Before Eve, J.)

Cartier v. Apfel.

November 15, 1912.—*Costs—Taxation—Witnesses expenses—Charge for preparation of Brief—Order LXV., 27 (29).*

WITNESSES served with *subpœnas* to attend the trial of an action are entitled to be paid conduct money unless served prematurely, and it is the practice to allow these payments on taxation.

A charge for instructions for brief is in the discretion of the Taxing Master, and cannot be reviewed by the Court unless the Taxing Master has proceeded on a wrong principle.

Order LXV., 27 (29) (England) is as follows:—On every taxation the Taxing Master shall allow all such costs, charges and expenses as shall appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same no costs shall be allowed which appear to the Taxing Master to have been incurred or increased through over-caution, negligence or mistake, or by payment of special fees to Counsel, or special charges or expenses to witnesses or other persons, or by unusual expenses.

Order LXV., Rule 65 (28) (Ireland) is as follows:—No costs shall be allowed between party and party which are not necessarily or properly incurred for the attainment of justice, or protecting the rights of the party, or which were incurred improvidently, or through over-caution, negligence, or mistake, or merely at the desire of the party.

This was a summons to review taxation. Two objections were raised to the taxation: First, that the Taxing Master was wrong in allowing conduct money to witnesses; and, secondly, that in allowing a fee of 225 guineas for the preparation of the brief he had proceeded upon a wrong principle. With regard to the first point, the defendant objected because none of the witnesses attended the hearing of the action, which was settled eight days before the day fixed for

hearing, the Defendant agreeing to judgment for the amount claimed without any hearing or argument. In these circumstances it was admitted that there was no occasion for any of the witnesses to incur any expense to attend the trial, as there was ample time to inform them that their attendance would not be required. With regard to the other point as to instructions for brief, the Defendant objected on the ground that the amount allowed was out of all proportion to the amount recovered, namely, £1,866, and that the work purported to be covered by such fee was not in fact work done for the purpose of this action, but had been done in a previous action before the present action was commenced.

EVE, J.—I have been carefully through this bill of costs, and the conclusion at which I have arrived is that it is framed on legitimate and proper lines, and that the items charged are in no way excessive. There are two matters in respect of which objection is taken to the taxation. First, it is said that the Taxing Master was wrong in allowing some £70 paid to various witnesses at the time when they were served with *subpœnas*; secondly, that in allowing a fee of 225 guineas for the preparation of the brief he proceeded on a wrong principle. Notice of trial of the action was given in July, 1911, and the case stood No. 64 in the list of witness actions for the Michaelmas Sittings, 1911, and at the conclusion of these sittings 52 of those actions had been disposed of, so that in the month of November the time was approaching when the case might be heard. The witness list is always an uncertain factor, and no one is bound to believe when a case is nine or ten out of the paper that it will not be reached in a day or two, and in my view the Taxing Master was right in finding that the *subpœnas*, which were served between the months of October and December, 1911, were not served prematurely. In this connection it is only fair to say that they were not served until more than one attempt had been made to obtain admissions which would have obviated such service. Further, although the full proof of the Plaintiff would have required some 300 witnesses to be called, only some forty were *subpœnued*. Then Mr. Tomlin has put this further point, that even if the service of the *subpœnas* was not prema-

ture, yet the tender of conduct money to the witnesses at the time when the *subpœnas* were served was not justifiable. I am quite satisfied, however, that no sufficient reason existed for withholding from the persons served the full amount of conduct money and travelling expenses, and I, therefore, overrule the objection. With regard to the other objection, as to the charge for preparing the brief, there is no evidence that the Taxing Master has exercised his discretion on a wrong principle. The Taxing Master is a Taxing Master of experience; he had before him the brief and the full particulars of the investigations which were made, the letters which were written, and the inquiries which were instituted. These and other elements were present to the mind of the Taxing Master, and in perusing the brief and instructions he was able to form an opinion as to what was a reasonable and proper fee to be allowed. I do not think there is any question of principle involved, it is merely a question of amount. A well-established rule prevents me from criticising or reconsidering the amount, though I may say that, personally, I see nothing excessive in it having regard to the difficulties which have been encountered. I, therefore, dismiss the summons with costs. (Reported *The Solicitors' Journal*, Vol. 57, page 97.)

Labourers (Ireland) Order, 1912.

(Before His Honour Judge Orr, K.C.)

Hayes and Pinkerton v. Ballymoney Rural District Council.

November 2, 1912.—*Labourers Acts costs—Furnishing title upon behalf of a judicial tenant who had entered into a purchase agreement.*

LABOURERS (IRELAND) ORDER, 1912.

THIS was a Civil Bill brought by John Hayes, farmer, and John W. Pinkerton, solicitor, against the Ballymoney Rural District Council to recover £2 2s. 0d. for costs of furnishing title to a plot of ground, being portion of a holding of which the Plaintiff, John Hayes, was a judicial tenant, and for the purchase of which, under the Irish Land Act, 1903, he had entered into an agreement, and which plot had been acquired by the Defendants under the Labourers (Ireland) Acts.

The District Council having, with the consent of John Hayes, the Plaintiff, gone into possession of the plot, sought permission from the Local Government Board to pay to Mr. Pinkerton, the Solicitor for John Hayes, the fee of two guineas, being the fee fixed by Rule 52 (8) of the Labourers (Ireland) Order, 1912, as payable at the option of the Solicitor for an owner or lessee for deducing title to lands taken under the Labourers Acts, where the purchase money does not exceed £60. The District Council were of opinion, having regard to the decision in *Proctor v. Limavady Rural District Council* (reported in GAZETTE of April, 1912, page 125), that the Solicitor for John Hayes was entitled to be paid by the District Council the fee of two guineas for the title furnished by him to the Solicitor of the District Council, but the Local Government Board refused the permission sought. The District Council then suggested that Civil Bill proceedings should be instituted against them for the fee.

Mr. Pinkerton, Solicitor, appeared upon behalf of himself and of John Hayes, and relied upon the decision of Mr. Justice Dodd in the case of *Proctor v. Limavady Rural District Council*.

Mr. Greer, Solicitor for the Defendants, stated that he and his clients did not consider the amount of the Plaintiffs' claim unreasonable.

His Honour granted a decree for £2 2s. 0d., and said the Local Government Board should waken up to the fact that 42 years ago an Act of Parliament was passed which legalised the Ulster Custom, with the result that the title of occupying tenants was just as good as that of the landlords. It was perfectly absurd to say that a tenant was nothing more than an occupier.

Additions to the Library.

THE following Books have been added to the Library from August to November, 1912, inclusive :—

Annual Practice.

The Annual Practice, 1913. By J. B. Matthews, R. White, and F. A. Stringer. 8vo; London, 1912.

Building Contracts.

Hudson (Alfred A.): Second Supplement to the Third Edition of the Law of Building, Engineering, and Ship Building Contracts. 8vo; London, 1912.

Costs and Fees.

Whitton (William): Chancery Fee Guide: being a collection of all Costs to which Solicitors are entitled under the General Orders of the Court of Chancery, from the earliest dates up to and including the 3rd January, 1859. 4to; Dublin, 1860.

Criminal Injuries.

Daly (George J.): Law relating to Liability of Public Bodies in Ireland arising out of their duties as Road Authorities and in respect of Compensation for Criminal Injuries. 8vo; Dublin, 1912.

Distress and Replevin.

Longfield (Robert): Law of Distress and Replevin in Ireland. 8vo; Dublin, 1841.

Forms.

Chitty's Forms of Civil Proceedings in the King's Bench Division of the High Court of Justice, and on Appeal therefrom to the Court of Appeal and the House of Lords. 14th ed., by T. W. Chitty, E. H. Chapman, and P. Clark. 8vo; London, 1912.

Landlord and Tenant.

Woodfall (William): Law of Landlord and Tenant; with a full collection of Precedents and Forms of Procedure. 19th ed., by W. H. Aggs. 8vo; London, 1912.

Laws of England.

Halsbury (*Rt. Hon.* the Earl of): The Laws of England: being a complete statement of the whole Law of England. Vol. XXIII. 8vo; London, 1912.

Leading Cases.

White (Frederick T.) and O. D. Tudor: A Selection of Leading Cases in Equity, with notes. 8th ed., by W. J. Whittaker, E. W. Sutton, P. Vaughan, and R. Burrows. Vol. II. 8vo; London, 1912.

Public Records.

Forty-third Report of the Deputy Keeper of the Public Records and Keeper of the State Papers in Ireland.

8vo; London, 1912.

— Forty-fourth Report.

8vo; London, 1912.

Receivers and Managers.

Riviere (Evelyn): The Law relating to Receivers and Managers.

8vo; London, 1912.

Road Authorities (Ireland).

Daly (George J.): The Law relating to Liability of Public Bodies in Ireland arising out of their duties as Road Authorities and in respect of Compensation for Criminal Injuries. 8vo; Dublin, 1912.

Valuation.

Esdale (Marcus): How Property is Valued.

8vo; London, 1912.

Workmen's Compensation.

Butterworth's Workmen's Compensation Cases. Vol. V. (*New Series*). Reports of every Case . . . decided under Workmen's Compensation Acts during the period October, 1911; to October, 1912. Edited by His Honour Judge Renzy and Douglas Knocker. 8vo; London, 1912.

Hilary Sittings Lectures.

PROFESSOR MAYNE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing, on the following dates in Hilary Sittings, 1913:—

January 14, 17, 21, 24, 28, 31.

February 4, 7, 11, 14, 18, 21.

PROFESSOR SHARPE will deliver lectures to the Junior Class upon the subject of Common Law, on the following dates in Hilary Sittings, 1913:—

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

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

Incorporated Law Society's Calendar and Law Directory, 1913.

THE Calendar and Law Directory for 1913 will be published early in January, and will be obtainable in the Secretary's Office. Price, three shillings; postage, fourpence extra.

Solicitors' Apprentices' Debating Society.

THE meetings are held on Monday evenings at eight o'clock p.m., in the Ancient Concert Rooms, Great Brunswick Street.

PROGRAMME FOR HILARY SITTINGS, 1913.

- January 13th.—Debate.—“That Adult Suffrage is desirable.”
- January 20th.—General Legal Debate.—“That a Court of Criminal Appeal should be established in Ireland.”
- January 27th.—Impromptu Speeches.
- February 3rd.—Legal Debate.—“*O'Brien v. M'Carthy* (1912), 2 I.R. 17.”

February 10th.—Debate.—“That the Irish Nationalists should take office under an English Government.”

February 17th.—Debate.—“That Compulsory Military Service is necessary to the welfare of the British Empire.”

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans; securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

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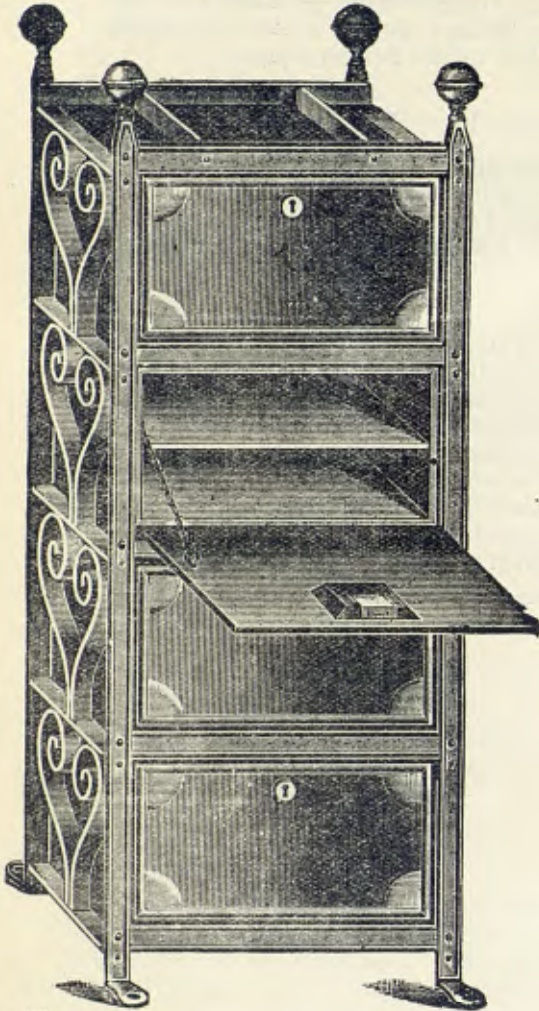
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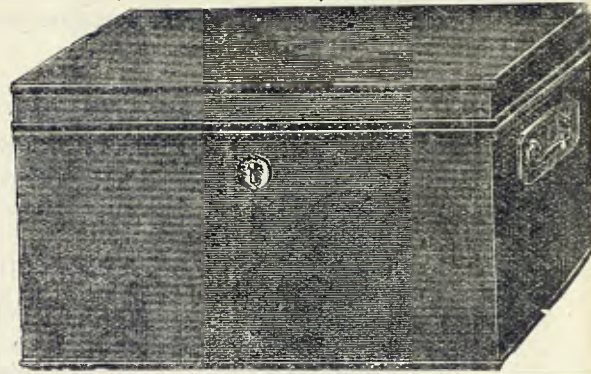
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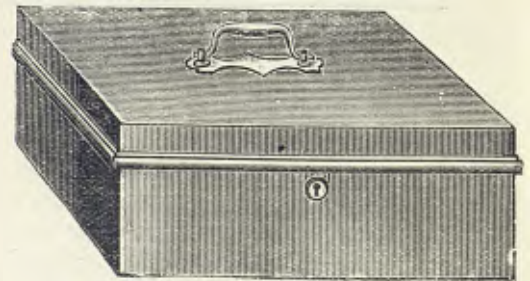
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January, 1913.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1913.

<i>No. 1. House, Library, and Finance.</i>	<i>No. 2. Parliamentary.</i>	<i>No. 3. Costs.</i>	<i>No. 4. Court and Offices.</i>
J. E. MACDERMOTT.	P. J. BRADY, M.P.	J. A. DENNING.	J. E. MACDERMOTT.
JAMES MOORE.	GEORGE COLLINS.	W. H. FRY.	JAMES MOORE.
J. W. RICHARDS.	I. J. RICE.	JAMES MURPHY.	A. H. S. ORPEN.
H. J. SYNNOTT.	W. J. SHANNON.	C. ST. G. ORPEN.	W. V. SEDDALL.
J. H. WALSH.	H. J. SYNNOTT.	W. V. SEDDALL.	R. G. WARREN.
<i>No. 5. Gazette.</i>	<i>No. 6. County Courts.</i>	<i>No. 7. Land Acts.</i>	<i>No. 8. Privileges.</i>
W. S. HAYES.	THE EXTRA-ORDINARY	SIR A. F. BAKER.	GEORGE COLLINS.
A. LLOYD-BLOOD.	MEMBERS.	J. G. FOTRELL.	W. S. HAYES.
C. ST. G. ORPEN.	THE PROVINCIAL	R. A. MACNAMARA.	R. A. MACNAMARA.
C. A. STANUELL.	DELEGATES.	C. ST. G. ORPEN.	J. W. RICHARDS.
R. BLAIR WHITE.	A. E. BRADLEY.	J. W. RICHARDS.	H. J. SYNNOTT.
	J. A. DENNING.	C. A. STANUELL.	
	JAMES S. GAFFNEY.	H. J. SYNNOTT.	
	HENRY SHANNON.		
	R. BLAIR WHITE.		

The PRESIDENT, the EX-PRESIDENT and the two VICE-PRESIDENTS are members *ex-officio* of all Committees of the Council.]

COURT OF EXAMINERS FOR 1913.

President :

JAMES HENRY.

Vice-Presidents :

CHARLES G. GAMBLE.	A. V. MONTGOMERY.
A. E. BRADLEY.	JAMES MURPHY.
MARTIN J. BURKE.	A. H. S. ORPEN.
W. H. FRY.	C. ST. G. ORPEN.
A. LLOYD-BLOOD.	W. V. SEDDALL.
	HENRY SHANNON.
	H. J. SYNNOTT.
	J. H. WALSH.
	R. G. WARREN.

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F. V. GORDON, B.A., Ex-Scholar (T.C.D.)	

Professors :

HENRY P. MAYNE, B.A., T.C.D.	FREDERICK G. SHARPE, B.A., LL.D., T.C.D.
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Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 7.]

January, 1913.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

December 4th.

Election of President and Vice-Presidents.

THE Council elected Mr. James Henry to the office of President of the Society, and Mr. Charles G. Gamble and Mr. Archibald V. Montgomery to the office of Vice-Presidents of the Society for the year ending 26th November, 1913.

Mr. Henry having taken the chair, and expressed his thanks to the Council for his election, a cordial vote of thanks was passed to the outgoing President and Vice-Presidents for the manner in which they had discharged the duties of their respective offices during the past year.

Council of Law Reporting.

The Council appointed Mr. Macnamara to be one of the two representatives of the Society on the Council of Law Reporting in room of Sir George Roche, retired.

December 11th.

Statutory Committee.

A letter was read from the Secretary of the Lord Chancellor intimating that His Lordship had appointed the following seven members of the Council to be the Statutory Committee under Section 34 of the Solicitors (Ireland) Act, 1898, for the year ending 26th November, 1913:—Mr. Henry, Sir A. F. Baker, Mr. Byrne, Mr. Hayes, Mr. Macnamara, Mr. Shannon and Mr. Stanuell.

Public Roads (Ireland) Act, 1911.

The draft provisional rules under this Act were considered, and a memorandum containing amendments suggested by the Council was approved.

Taxation of Costs.

A letter from a firm of Solicitors asking the Council to support an appeal against the disallowance of certain items on a taxation was referred to the Costs Committee.

Certificates.

Applications by two Solicitors under Section 47 for renewal of their certificates were submitted, and were granted.

Preliminary Examination.

A memorial of a Law Clerk asking for a modified preliminary examination under Section 18 was considered, and it was ordered that the application be not opposed.

Sheriff Law.

It was resolved that the matter of suggested improvements in the law dealing with the office of Sheriff in Ireland be referred to the County Courts Committee.

Court of Examiners and Committees.

The Court of Examiners and the Committees of the Council for the year ending 26th November, 1913, were appointed.

Council Meetings.

MEETINGS of the Council will be held upon the following dates :—

February 12th and 26th.
March 12th and 26th.

Committee Meetings.

THE following Committee meetings were held during December :—

Gazette, 13th.
Court of Examiners, 18th.
Privileges, 20th.

Obituary.

MR. THOMAS J. O'DEMPSEY, Solicitor, Enniscorthy, died upon the 7th December, 1912, at his residence, Parkton, Enniscorthy.

Mr. O'Dempsey, who served his apprenticeship with the late Mr. Jeremiah Perry, Solicitor, 11, Bachelor's Walk, Dublin, was admitted in Hilary Term, 1872, and practised at Enniscorthy up to the year 1910, when he retired.

MR. GEORGE F. MURPHY, Solicitor, Cork, died upon the 25th December, 1912, at his residence, "Woodville," Cork.

Mr. Murphy, who served his apprenticeship with his father, the late Mr. Francis M. Murphy, 95 South Mall, Cork, was admitted in Michaelmas Term, 1870, and practised in Cork up to the year 1907, when he retired.

New Member.

THE following joined the Society during December, 1912 :—

Fry, Philip G., 14 Lr. Mount Street, Dublin.

Notary Public.

THE Lord Chancellor has appointed the following to be a Notary Public :—

Alexander Fisher, Solicitor, Newry.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths :—

Alexander Fisher, Solicitor, Newry.
Robert B. Wray, Solicitor, Newry.

The Public Trustee, Ireland.

(*Irish Land Act, 1909, Sec. 38 (1) (a)*).

LIST of Securities in which Investments have been approved by the Public Trustee, Ireland, to 29th June, 1912.

NOTE.—"Trustees desiring to invest purchase money under Sec. 38 (1) (a) must, in every case, make direct application to the Public Trustee, Ireland, for his sanction."

Government Securities of Foreign Governments or States.

Argentine Government 4½% 1888-9 Sterling Conversion Loan.

Argentine Government 4% Bonds, 1908.

Argentine Government 4½% Internal Gold Loan, 1888.

Argentine Government Railway Guarantee Rescission 4% Bonds.

Argentine Government 4% Bonds, 1899.

Argentine Government 5% 1884 Loan.

Argentine Government 3½% External Sterling Bonds, 1889.

Argentine Government 4% 1897 Bonds.

Argentine Government 4% Loan, 1898.

Argentine Government 5% Railway Bonds of 1890.

Argentine Government 5% Internal Gold Loan, 1907.

Argentine Government 5% Internal Gold Loan, 1909.

Argentine Government 5% Loan, 1886-7.

Argentine Northern Central Railway Extensions 5% Government Mortgage Bonds.

Brazilian Government 4% Bonds, 1889.

Brazilian Government 4% Rescission Bonds.

Brazilian Government 4% 1910 Loan.

Brazilian Government 4½% 1883 Loan.

Brazilian Government 4½% 1888 Loan.

Brazilian Government 5% 1908 Loan.

Brazilian Government 5% 1895 Loan.

Brazilian Government 4% 1911 Loan.

Brazilian Government Companhia Lloyd Brasileiro 4% Sterling Bonds.
 Chilian Government 4½% 1886 Bonds.
 Chilian Government 4½% Loan, 1893.
 Chilian Government 5% 1905 Loan.
 Chilian Government 4½% Loan, 1895.
 Chilian Government 4½% Gold Loan, 1906.
 Chilian Government 5% 1896 Loan.
 Chilian Government 5% Loan, 1910.
 Chilian Government 5% 1911 Loan.
 Chilian Government 5% 1911 Loan, 2nd series.
 Chinese Government 4½% Gold Loan, 1898.
 Chinese Government 5% 1896 Gold Loan.
 Chinese Government 5% Gold Loan, 1908.
 Chinese Government 5% Tientsin Pukow Railway Loan.
 Chinese Imperial Railway 5% Gold Loan.
 Chinese Imperial Government 5% Shanghai, Hangchow, Ningpo Railway Loan.
 Chinese Imperial Railways, Canton, Kowloon Railway 5% Sterling Bonds.
 Chinese Government Imperial Chinese Railways, Shanghai, Nanking Line 5% Sterling Bonds.
 Cuban Government 4½% Gold Bonds, 1949.
 Danish Government 4% Loan, 1912.
 Egyptian Government 3½% Preference.
 Egyptian Government 3½% Preference Inscribed Stock.
 Egyptian Government 4% Unified Debt.
 Finland 4½% Government Railway Bonds.
 German Imperial 3% Loan.
 Greek Government 4% Railway Loan, 1902.
 Hungarian Government 4% Gold Rentes.
 Japanese Government 4½% Sterling Loan (1st series).
 Japanese Government 4½% Sterling Loan (2nd series).
 Japanese Government 4% Sterling Loan, 1899.
 Japanese Government 5% Bonds (1895-96) (Redeemed).
 Japanese Government 4% Sterling Loan, 1905.
 Japanese Government 4% Sterling Loan, 1910.
 Mexican Government Gold Loan, 4%, 1904.
 Mexican Government 5% External Consolidated Gold Loan, 1899.
 Norwegian Government 4% Loan, 1911.
 Prussian 3½% Consols.
 Russian Government 4½% 1909 Loan.
 Russian Government 4% Consolidated Railway Bonds.

Russian Government Grand Russian Railway 4% Bonds (Nicolas Railway).
 San Paulo 5% Treasury Bonds.
 Siamese Government 4½% Sterling Loan.
 Spanish Government 4% Sealed Bonds.
 Uruguay 3½% Consolidated Loan.

Bonds, Debenture Stocks, etc., of Railways in the United States of America.

Atcheson, Topeka, and Santa Fe Railway 4% Adjustment Bonds.
 Baltimore and Ohio Railroad (Pittsburg and Lake-Erie Division) 4% Bonds.
 Baltimore and Ohio Railroad 4% 1st Mortgage 50-year Gold Bonds.
 Central Pacific Railway 1st Refunding Mortgage 4% Gold Bonds, 1949.
 Chesapeake and Ohio Railway 4½% 20-year Convertible Gold Bonds.
 Chicago, Milwaukee and St. Paul Railway 4% 1934 Gold Bonds.
 Chicago, Milwaukee and St. Paul Railway 4% General Mortgage Gold Bonds, 1989.
 Chicago, Rock Island and Pacific Railway 4% 1st and Refunding Mortgage Gold Bonds, 1934.
 Great Northern Railway (St. Paul, Minneapolis and Manitoba 4% Sterling Extension Bonds).
 Illinois Central Railroad 4% Gold Bonds, 1953.
 Louisville and Nashville Railroad Unified 4% Gold Bonds.
 Minneapolis, St. Paul and Sault Ste Marie Railway 4% 1st Mortgage Gold Bonds.
 New York Central and Hudson River Railroad 30-year 4% Gold Debentures, 1934.
 New York Central and Hudson River Railroad 3½% Gold (Lake Shore) Bonds.
 New York Central and Hudson River Railroad, Michigan Central Collateral 3½% 1998 Gold Bonds.
 New York, New Haven and Hartford Railroad 4% 1956 Debentures.
 Norfolk and Western Railway 4% 1st Lien and General Mortgage 1944 Gold Bonds.
 Northern Pacific Great Northern Railways 4% Joint Bonds, Chicago, Burlington and Quincy Collateral.
 Northern Pacific Railway 3% General Lien Railway and Land Grant Gold Bonds.
 Pennsylvania Railroad 4% Consolidated Mortgage Sterling Bonds, 1948.

Southern Pacific Company 4% Central Pacific Collateral Gold Bonds.

Southern Pacific Railroad 4% 1st Refunding Gold Bonds.

Southern Pacific Company 4% 20-years Convertible Gold Bonds:

Union Pacific Railroad 20-year 4% Convertible Gold Bonds.

Union Pacific Railroad 4% 1st Mortgage Gold Bonds.

Union Pacific Railroad 4% 1st Lien and Refunding Mortgage Bonds.

Debenture Stocks of Railways in Mexico, the Argentine Republic or Canada.

Argentine Great Western Railway 5% Debenture Stock.

Argentine Great Western Railway 4% 1st Debenture Stock.

Argentine Great Western Railway 4% 2nd Irredeemable Debenture Stock.

Bahia Blanca and North Western Railway 4½% 2nd Debenture Stock.

Buenos Ayres and Pacific Railway 4½% Consolidated Debenture Stock.

Buenos Ayres and Pacific Railway 4% 1st Debenture Stock.

Buenos Ayres and Pacific Railway 4½% 2nd Debenture Stock.

Buenos Ayres and Pacific Railway 5% Debenture Stock.

Buenos Ayres Great Southern Railway 4% Debenture Stock.

Buenos Ayres Western Railway 4% Debenture Stock.

Canadian Pacific Railway 4% Debenture Stock.

Central Argentine Railway 3½% Central Debenture Stock.

Central Argentine Railway 4% Consolidated Debenture Stock.

Cordoba Central Railway 5% 2nd Debenture Stock (Central Northern Section).

Mexican Southern Railway 4% 1st Mortgage Debenture Stock.

Ontario and Quebec Railway 5% Permanent Debenture Stock.

List of Additional Securities in which Investments have been approved by the Public Trustee, Ireland, since List published 29th June, 1912.

Argentine Government 4% Bonds, 1900.

Chilian Government 5% Loan, 1909.

Russian Government Dvinsk-Vitebsk Railway 4% Bonds.

Illinois Central Railroad 4% Cairo Bridge Bonds of 1950.

Lake Shore and Michigan Southern Railway Company 4% 25-year Gold Bonds of 1928.

Long Island Railroad Company Guaranteed 4% Refunding Mortgage Bonds of 1949.

Northern Pacific Railway 4% Prior Lien Railway and Land Grant Gold Bonds.

Cordoba Central Railway Company 4% Consolidated Debenture Stock (Central Northern Section).

Bahia Blanca and North-Western Railway 4% First Debenture Stock.

Buenos Ayres and Pacific Railway 5% (1912) Debenture Stock.

NOTE.—Forms of application for permission to invest can be obtained from the office of the Public Trustee, Ireland, 32 Nassau Street, Dublin.

**The Public Roads (Ireland) Act, 1911,
County Courts, Ireland,**

PROVISIONAL RULES, DATED THE 19TH
DECEMBER, 1912.

1.—(1) The following Rules shall have effect under the Public Roads (Ireland) Act, 1911 (in these Rules referred to as the Act), with reference to any matter or proceeding for the regulation of which Rules of Court may be made under the Act and generally for carrying the Act into effect so far as it affects the County Court and proceedings in the County Court.

(2) These Rules may be cited as the Public Roads (Ireland) Act Rules, 1912.

(3) The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

(4) These Rules shall be read and construed with the "County Courts (Ireland) Orders, 1890," and the County Court Orders of subsequent dates amending the same.

2. All proceedings in the County Court under the Act shall be by ordinary Civil Bill Process and Civil Bills under the Act shall be returnable in the division of the County Court within the jurisdiction of which the damage is done or within the jurisdiction of which the defendants or any of them reside or carry on business.

3. Every Civil Bill under the Act shall be served on the opposite party one calendar month at least before the first day of the Sessions at which the same is to be heard.

4. Where the defendant has not a residence or place of business in the County in which the Civil Bill is returnable for hearing, service of the said Civil Bill may be made by any person and such service out of the County may be proved orally or by affidavit. Such affidavit shall be lodged and filed with the Clerk of the Peace. But where the defendant in such Civil Bill has a residence or place of business in the County in which such Civil Bill is returnable for hearing, the same shall be served by one of the process servers of the Court.

5. The Judge shall have power to direct such substituted or other service or the substitution of notice for service or such service in any part of Ireland as he shall, in the circumstances, deem just. In any case the Judge may upon just grounds declare the service actually effected sufficient.

6. Every Civil Bill under the Act shall state approximately the locality where and the time when the damage occurred in respect of which expenses are sought to be recovered, as well as the nature and extent of the damage. In every case the defendant shall be at liberty to call upon the plaintiff by notice in writing served not later than twelve clear days before the return day for fuller and better particulars of the damage, and such particulars shall be furnished within four days from the service of such notice. In the event of such particulars not being furnished, the Judge shall decide at the hearing whether they may be dispensed with.

7. Any defendant may, four clear days before the return day, serve on the plaintiff a statement admitting or denying any of the statements in the Civil Bill or raising any question of law on such statements without admitting the truth thereof, and he may therein state concisely any fact or document on which he intends to rely as a defence or which he intends to bring to the notice of the Court.

8. In all Civil Bills under the Act the fees specified or provided for in the Schedules of Fees annexed to these Rules shall be the lawful fees and emoluments for the discharge

by Solicitors of the duties therein mentioned, and no other fees or emoluments shall be recoverable for the discharge of such duties or be allowed in any bill of costs. Provided, however, that, in all cases in which the fees so specified or provided for in the said Schedules having regard to the work actually performed shall, in the opinion of the Judge be inadequate he may make for any particular case a special order allowing such fees, costs, charges, and expenses as he may think reasonable and just. The Judge shall at the hearing fix such sum for witnesses' expenses as he shall think reasonable and just.

9. Such fees shall be taxed by the Clerk of the Peace. Any person aggrieved by such taxation may appeal to the Court to have same reviewed.

10. The fees specified and provided for in the said Schedules shall be exclusive of postage, Court fees, expenses of witnesses and other outlay.

11. Non-compliance with any of the foregoing Rules shall not render any proceedings void unless the Judge shall so direct, but the time may be extended and the proceedings may be set aside either wholly or in part or may be amended or otherwise dealt with in such manner and upon such terms as the Judge may think just, and the Judge shall have power to enlarge or abridge the time appointed by these Rules for doing any act or taking any proceedings upon such terms, if any, as the case may require, and any such enlargement may be applied for and ordered after the expiration of the time appointed or allowed.

12. Where not otherwise expressly provided by or in connection with these Rules, the existing practice of the County Courts including all powers of amendment and adjournment shall apply to all proceedings under the Act.

FEES.

SCHEDULE I.

The costs in respect of proceedings under the Act shall be according to the following scale and shall be payable by the defendant to the plaintiff according to the amount recovered, and by the plaintiff to the defendant, in the case of a dismissal, according to the amount applied for.

For all proceedings from the drawing of the Civil Bill to the Final Order of the Court.

	£	s.	d.
When the sum does not exceed £15	1	0	0
Exceeds £15, but does not exceed £30	2	0	0
Exceeds £30, but does not exceed £50	3	0	0
Exceeds £50—An additional sum of £1 for every £50 or fractional part of £50 above the first £50.			

Where Counsel is employed.

Instructions for Counsel's brief and attending Counsel where the expenses recovered in the case of plaintiff's Solicitor or applied for in the case of defendant's Solicitor—

Exceed £15, but does not exceed £50	0	6	8
Exceed £50	0	13	4
Brief of documents for each sheet of six folios	0	1	0

Counsel's Fees.

When the amount does not exceed £30	1	1	0
Exceeds £30, but does not exceed £100	2	2	0
Exceeds £100	3	3	0

Taxation of Costs.

To the Solicitor attending taxation	0	6	8
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SCHEDULE II.

The fees allowable for service under this Act shall be the fees for the service of processes prescribed by Section 18 of 14 and 15 Vic., Ch. 57.

Prevention of Corruption Act, 1906.

THE following has appeared in the Parliamentary papers:—

Q. Sir Samuel Scott.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will state how many applications have been made for the Attorney-General's fiat for prosecutions in Ireland under The Prevention of Corruption Act, 1906; and on how many occasions permission to bring proceedings has been refused. [20th. December, 1912.]

A. Sir Rufus Isaacs.—There have been 80 applications. On 12 occasions the fiat has been refused. [30th December, 1912.]

Recent Decisions affecting Solicitors.

(Notes of decisions, whether in reported or unreported cases, of interest to Solicitors, are invited from Members.)

BRIGHTON COUNTY COURT.

(Before His Honour Judge Mackarness).

WILKINS v. NEALOR AND WIFE.

Oct. 25, 1912.—*Solicitor and Client—Costs—Retainer—Instructions from Husband for Wife—Bill delivered—Offer to take lump sum.*

THERE is no statutory definition of the term "bill of costs" in the Solicitors Remuneration Acts, and, giving the words their natural meaning, they must mean a bill so stated with items specified as to be capable of taxation. A written offer (not accepted) to take a lump sum in settlement of a liability for costs does not amount to a bill delivered, but it may be used as evidence for consideration by the Taxing Master that the amount subsequently claimed on an item bill is excessive.

This was an action by a Solicitor to recover £28 19s. 3d., the amount of two bills of costs for professional services rendered to Capt. and Mrs. Nealor in connection with an arbitration case which took place in April between Mrs. Nealor and the Norwich Union Insurance Co. Mrs. Nealor was claiming, under a policy against burglary, for the loss of a ring of hers said to have been stolen by a waiter at Eastbourne, and the question for the arbitrator was whether under the policy the Insurance Co. were liable. The arbitrator's award was in favour of the Company, and the present claim was for the costs incurred by Mrs. Nealor on the arbitration, and also in an action subsequently brought by the Company against her to recover the costs of the arbitration. Capt. Nealor denied that he had ever retained the Solicitors, and Mrs. Nealor raised a similar defence as to one of the bills, and she relied also on a proposal made by the Solicitors to fix their costs at £10 as a bill delivered for that amount.

His Honour, in delivering a reserved judgment, said:—There are two bills of costs sued on—one for £21 3s. 5d., comprising the costs from January 28 down to May 8, when the arbitration was completed; and a second for £7 15s. 10d., relating to the costs from May 18 to June 17, of defending the action brought by the Insurance Co. against Mrs. Nealor to recover the costs of the arbitration. It is necessary to distinguish these two bills in view of the defences raised. There was a general defence of negligence to the whole of both bills on the ground that the advice given by the plaintiff and his former partner to Mrs. Nealor to submit her case to arbitration and to allow the costs to be taxed by the arbitrator was such a gross error of judgment as to preclude the plaintiff from recovering anything from Mrs. Nealor for his services in connection therewith. But, after hearing the evidence not only of the plaintiff but of Mr. Grant McLean, who conducted the arbitration for the Norwich Union, I have no doubt that the matter was a proper one to be submitted to arbitration, and that Mrs. Nealor's case was competently handled by the plaintiff, and that the arbitration and taxation were carried out as they were, owing to the strong desire of Mrs. Nealor to avoid publicity.

It was further contended (1) that Capt. Nealor was not liable at all, because there was no evidence of any retainer of the plaintiff by him; and (2) that Mrs. Nealor was not liable for the costs relating to the action brought by the Insurance Co. because she had given no retainer to the plaintiff in regard to these proceedings. There is, however, to my mind, clear evidence that Mrs. Nealor instructed the plaintiff and swore an affidavit in these proceedings, and I have no doubt that she retained him to defend them for her. In regard to Capt. Nealor, it was admitted by plaintiff's Counsel that the sole evidence of retainer by him was to be found in a letter addressed on June 26 by Messrs. Chamberlain & Co., his then Solicitor, to Sayers & Wilkins, in which Messrs. Chamberlain said that "they had been consulted by Captain and Mrs. Nealor in reference to their position with the Norwich Union," and in which they added that "they were somewhat surprised to hear that Messrs. Sayers & Wilkins had not put forward the proposition Capt. Nealor

instructed them to put forward." The reply to this on the next day by Sayers & Wilkins did not look as if the latter understood the letter in the sense now suggested, for they wrote: "We thank you for your letter, and observe that Mrs. Nealor has instructed you in this matter." Up to that point, as the correspondence conclusively shows, Mrs. Nealor had acted and been treated as their sole client by Sayers & Wilkins, and Capt. Nealor had not only not at any time instructed them, but had refused even to give evidence at the arbitration, and it was not till July 3 that Sayers & Wilkins made a demand upon both husband and wife for their costs. No doubt a retainer need not be given in writing. It may be given even by implication; but it is for the plaintiff to establish it; and under the above-named circumstances I cannot find that there is any evidence to justify my holding that Captain Nealor ever retained Messrs. Sayers & Wilkins.

There remains the most difficult part of the case. The two bills of costs for £28 19s. 3d. now sued on were not delivered till July 3, but early in June a correspondence took place between Mrs. Nealor and Sayers & Wilkins, the legal effect of which, it is contended, is that they delivered a bill for £10 in full settlement of the same costs, by reason of which they are precluded in law from delivering any further bills for a larger amount.

His Honour read five letters, and proceeded:—The argument urged on behalf of the defendants is that the statement in Sayers & Wilkin's letter of June 4, "The balance (£10) are our costs in the matter. We have no doubt you will appreciate our view of the matter when you contrast our costs with those of the other side," amounted to a delivery of a bill of costs for £10, and that the bills now sued on are in consequence a mere nullity. I cannot find anything to support this argument either in the Solicitors Remuneration Acts or in any decided cases. There is no statutory definition of the term "bill of costs," and in the absence of that, or any judicial interpretation, I must give the words their natural meaning. Giving them their natural meaning, they must mean a bill so stated that the client can obtain advice as to its taxation, and it must, therefore, have

items specified. I cannot think that they include such a proposal as that contained in the letter of June 4. The case might have been different if the letter had been accepted and acted upon by Mrs. Nealor, but it was not. She met it with a counter proposal to pay £5 at a time, which fell through because the Insurance Co. declined it. So far as I have been able to gather from the decided cases the strongest way in which the letter of June 4 can be used against the plaintiff is as evidence, when it comes to taxation, that these bills now sued on are, so far as they exceed £10 in amount, in excess of what is reasonable remuneration for the work done. That, however, is a matter for the Taxing Master. My judgment must be in favour of the plaintiff for the amount claimed against Mrs. Nealor, and in favour of Capt. Nealor against the plaintiff.

(Reported *Law Journal and County Courts Reporter*, Vol. 1, No. 9, page 91).

Solicitors' Annual Certificates.

MEMBERS are reminded that Annual Certificates for the year ending 5th January, 1914,

should be taken out, and the duties paid thereon, between the 5th January and 6th February, 1913.

Calendar of the Incorporated Law Society, 1913.

THE Calendar and Law Directory, published by the Society, for 1913, can be obtained in the Secretary's Office, price three shillings, or by post, three shillings and fourpence.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

ROONEY & KELLY

SOLICITORS,

(Formerly of 2 Westmoreland Street, Dublin),

HAVE REMOVED THEIR OFFICES TO

No. 5 EDEN QUAY, DUBLIN.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

February, 1913.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 8.]

February, 1913.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

January 15th.

Debt Collecting Letters.

THREE letters issued by non-professional persons demanding payment of debts alleged to be due to third parties, were referred to the County Courts Committee to consider what action, if any, should be taken in reference to them.

Public Roads (Ireland) Act, 1911.

The provisional rules issued under this Act were submitted. These rules appeared in the GAZETTE of last month, page 80. The draft rules provided that for all proceedings from the drawing of the Civil Bill to the final Order of the Court, the costs payable by defendant to plaintiff according to amount recovered, and by defendant to plaintiff in case of a dismissal, according to amount claimed, should be regulated by the following scale:—

When the sum does not exceed	£15	...	...	...	...	£1	0	0
Exceeds £15, but does not exceed	£50	...	...	...	...	2	0	0
Exceeds £50, but does not exceed	£100	...	...	...	...	3	0	0
Exceeds £100—An additional sum of £1 for every £50 or fractional part of £50 above £100.								

At the instance of the Council, the following scale was substituted:—

When the sum does not exceed	£15	...	...	...	...	£1	0	0
Exceeds £15, but does not exceed	£30	...	...	...	...	2	0	0

Exceeds £30, but does not exceed
£50 3 0 0
Exceeds £50—An additional sum of £1 for every £50, or fractional part of £50 above the first £50.

Professional Etiquette.

The opinion of the Council was requested by a country member as to whether he would have been justified in acting for the defendant in Civil Bill proceedings under the following circumstances:—In September, 1912, a blacksmith consulted the member in reference to a claim against the owner of a machine; the member advised him and was paid for the advice, and the blacksmith did not return. Recently the owner of the machine came to the member and instructed him to defend a Civil Bill brought by the blacksmith through another Solicitor on foot of his claim against the owner of the machine, but having been previously consulted on the matter by the blacksmith, the member refused to act for the defendant. The Council expressed the opinion that under the circumstances the member would have been justified in defending the Civil Bill, subject to his not using against his former client information obtained from him on the subject, and in support of this opinion the Council referred to the case of *Rakusen v. Ellis, Munday and Clarke* (1912), 1 Ch. 831.

Certificates.

Applications by five Solicitors under Section 47 for renewal of their Certificates were submitted and were granted.

Law Clerks.

Petitions from two Law Clerks for liberty to be bound under Section 16, and reports of the Court of Examiners thereon, were considered, and both petitions were refused.

January 29th.

Examination Results.

The report of the Court of Examiners upon the January Preliminary and Final Examinations was submitted and adopted. The results appear in this GAZETTE.

Guaranteed Stock.

It was resolved that the question of Guaranteed 2½% Stock not being issued in the months of June and December be referred to the Land Acts Committee.

Resident Magistrates.

A member of the Council having called attention to the fact that of the existing Resident Magistrates only six were appointed from the Solicitors' profession, the following resolution was adopted:

"Resolved—The Council of the Incorporated Law Society of Ireland desire to call the attention of His Excellency the Lord Lieutenant and of the Chief Secretary for Ireland to the allocation of Resident Magistracies in Ireland in the past. Of the existing 64 Resident Magistrates, only six were members of the Solicitors' profession, nineteen were members of the Irish Bar, twenty were Constabulary officers, and the remaining nineteen were engaged in other pursuits. The Council submit that, having regard to their training and professional qualifications, Solicitors are pre-eminently qualified for the office of Resident Magistrate, and should, in justice to the profession and in due regard to public requirements, obtain at least as many of such appointments as any other profession. The Council further submit that the appointment of persons qualified by previous legal education and training is essential, having regard to the many questions of law which frequently arise in proceedings at Petty Sessions."

Copies of the resolution were directed to be sent to the Lord Lieutenant, the Chief Secretary, and to such Irish Members of Parliament as are Solicitors.

Council Meetings.

MEETINGS of the Council will be held upon the following dates:—

March 12th.

April 16th and 30th.

Committee Meetings.

THE following Committee Meetings were held during January:—

Gazette, 13th.

County Courts, 17th and 30th.

Privileges, 22nd.

House, Library and Finance, 23rd.

Court of Examiners, 27th.

Obituary.

MR. JONAS WOLFE, Solicitor, Bantry, died upon the 26th January, 1913, at Seaford, Sussex.

Mr. Wolfe, who served his apprenticeship with the late Mr. Theodore Cronhelm, Eustace Street, Dublin, was admitted in Hilary Sittings, 1880, and practised at Bantry, up to the year 1908, when he retired.

New Members.

THE following have joined the Society during January, 1913:—

Blaney, Daniel P., Naas.

Campbell, John P. V., 2 Foster Place, Dublin.

Daly, Patrick J. B., Galway.

Maguire, Francis P. J., Clones.

Meagher, William, Thurles.

Noyk, Michael, 26 Wicklow Street, Dublin.

O'Connor, Francis J., Thurles.

Oulton, John G., 21 Lr. Fitzwilliam Street, Dublin.

Ramage, William, Ballyshannon.

Weir, Henry C., Downpatrick.

Legal Appointment.

MR. HENRY M. A. MURPHY, Solicitor, of Galway, has been appointed a Local Government Board Inspector, for the purposes of the Labourers (Ireland) Acts.

Commissioners to Administer Oaths.

THE Lord Chancellor has appointed the following to be Commissioners to administer Oaths :—

- Edward Emerson, Solicitor, Cork.
- Hugh A. McAlister, Clerk of Petty Sessions, Ballycastle.
- William J. Smith, Bank Manager, Ballymote.

Results of Examinations.

AT the Preliminary Examination, held upon the 9th and 10th January, the following passed the Examination, and their names are arranged in order of merit :—

1. William S. Barrett.
2. Richard G. G. Patterson.
3. John Ryan.
4. Aidan E. R. MacCabe.
5. Francis B. O'Toole.
6. Edward T. Ryan.
7. James M. Seales.

David McIlvennan passed the modified Preliminary Examination, for which he had liberty to present himself.

The remaining candidates are postponed.

Thirteen candidates attended: eight passed; five were postponed.

AT the Final Examination, held upon 6th, 7th and 8th January, the following passed the Examination, and their names are arranged in order of merit :—

1. James Telford.
2. Gerald J. Moloney.
3. John Ronan.
4. Robert R. MacCulloch.
5. John J. Stanton, B.A., T.C.D.
6. Cecil H. Exham, B.A., T.C.D.
7. Charles T. B. White, B.A., T.C.D.
8. Samuel H. Watson.
9. William S. McCullough.
10. Augustine S. McBreen.
11. Patrick Grimes.
12. Maurice Skehan.
13. Philip J. McQuaid.
14. Thomas J. Fullerton, B.A., T.C.D.
15. John Q. Hanrahan.

The remaining candidates are postponed.

Twenty-five candidates attended: fifteen passed; ten were postponed.

The Court of Examiners awarded a Gold Medal to James Telford, and special Certificates to Gerald J. Moloney, John Ronan, and Robert R. MacCulloch.

Intermediate Examination.

THE March Intermediate Examination for Apprentices will be held upon Monday, the 3rd day of March, 1913. Notices should be lodged on or before Monday, 17th February.

New Solicitors.

THE following were admitted during January :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Hamilton, Robert Victor	Martin H. Turnbull, Belfast.
Knight, William W. M.	Michael E. Knight, Clones.
Mathews, Robert Henry	Hugh Henry, Limavady
Robb, Andrew	Robert H. Carson, Omagh.
Rosney, Patrick Henry	Joseph Mangan, Tralee.
Seeds, William J. G.	James E. Proctor, Limavady.

Validity of a Brief.

SOLICITORS INSTRUCTING SOLICITORS.

The Times of 25th January, 1913, states that in the City of London Court before Judge Rentoul, the question of Solicitors appearing for other Solicitors in County Courts again came up for discussion.

His Honour took exception to the appearance of Mr. Ronald Taylor, a Solicitor, of Walbrook, on behalf of Messrs. Rawlings and Butt, Solicitors, for a client in an accident case. He said it was improper for one Solicitor to be briefed by another. He had taken exception to the practice years ago.

Mr. Taylor said he had been articled to Messrs. Rawlings and Butt and was now in practice for himself, and when they were busy in five or six Courts the same day they asked him to conduct one of the cases. There was an arrangement between them by which he did their County Court work in Courts. He understood it was quite common for city Solicitors who had cases in Brentford County Court to send the papers down to Solicitors who practised there locally to do the cases.

Judge Rentoul said he would not allow it in the City of London Court. It was against the law. Probably the Judge of the Brentford County Court did not know what was going on. He would allow Mr. Taylor to conduct the case in the circumstances; but

it would be very bad for the Solicitors' profession if one man was allowed to brief another. In fact, it was being suggested as a counterblast that litigants should be allowed to employ Barristers without the intervention of Solicitors. No Solicitor would like to see that done. Each branch of the profession should keep to itself. As a rule, a good Solicitor made a bad advocate, and *vice versa*. He believed the practice of Solicitors briefing one another was objected to by the heads of both branches of the profession.

Mr. Taylor said he desired to correct a statement he had previously made about there being an arrangement between him and Messrs. Rawlings and Butt in regard to conducting their cases in County Courts, as it was the first time on which he had appeared for them.

Women and the Law.

A HIGH COURT TEST CASE.

The *Times* of 25th January, 1913, states they have received the following statement from Messrs. Withers, Bensons, Birkett, and Davies, Solicitors, of Arundel Street, with reference to the claim of four women to enter the profession of Solicitors:—

Four ladies applied to the Law Society for permission to attend the preliminary examination to enable them to enter the profession of Solicitors. These applications have been refused by the Law Society on the ground of the sex of the applicants. The four ladies have accordingly commenced four separate actions against the Law Society in the Chancery Division of the High Court claiming a declaration that they are entitled to be examined and to enter the profession of Solicitors. One of the actions will be taken as a test case, and the three other actions will stand over until the first one has been decided. The writs have been served and the test case will be heard in due course.

The following are the ladies who are acting in the matter, in alphabetical order:—

(1) Miss Gwyneth Marjorie Bebb, formerly of St. Hugh's College, Oxford, who took a first class in law.

(2) Miss Karin Costello, late of Newnham College, Cambridge, who took a first class in the Moral Science tripos.

(3) Miss Maud Isabel Ingram, late of

Girton College, Cambridge, who took Honours in the History and Law triposes.

(4) Miss Lucy Frances Nettlefold, who is still at the Newnham College, and has taken a first class in the first part of the Law tripos.

The Counsel retained are, Mr. Buckmaster, K.C., and Mr. R. A. Wright. The Solicitors are Messrs. Withers, Bensons, Birkett, and Davies.

Calendar of the Incorporated Law Society, 1913.

THE Calendar and Law Directory, published by the Society, for 1913, can be obtained in the Secretary's Office, price three shillings, or by post, three shillings and fourpence.

Dates of Spring Assizes, 1913.

MUNSTER CIRCUIT.

Clare.—At Ennis, Thursday, February 27th, at 11 o'clock.

Limerick.—At Limerick, Monday, March 3rd, at 11 o'clock.

City of Limerick.—At Limerick, Monday, March 3rd, at 11 o'clock.

Kerry.—At Tralee, Thursday, March 6th, at 3 o'clock.

Cork.—At Cork, Thursday, March 13th, at 11 o'clock.

City of Cork.—At Cork, Saturday, March 15th, at 10.30 o'clock.

Judges.—The Right Hon. Mr. Justice Ross, and the Right Hon. Mr. Justice Kenny.

Registrars.—Mr. Ronald Ross, 66 Fitzwilliam Square, Dublin; and Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

NORTH-EAST CIRCUIT.

Meath.—At Trim, Thursday, February 27th, at 11.30 o'clock.

Louth.—At Dundalk, Friday, February 28th, 11 o'clock.

Monaghan.—At Monaghan, Monday, March 3rd, 11 o'clock.

Armagh.—At Armagh, Wednesday, 5th March, 11 o'clock.

Down.—At Downpatrick, Friday, 7th March, 12 o'clock.

Antrim.—At Belfast, Tuesday, 11th March, 12 o'clock.

The City of Belfast.—At Belfast, Thursday, 13th March, 10.30.

Judges.—The Right Hon. Lord Justice Cherry, and the Hon. Mr. Justice Boyd.

Registrars.—Mr. J. Briscoé Cherry, 92 Stephen's Green, Dublin; and Mr. Cecil A. Boyd, 66 Merrion Square, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, Thursday, February 27th, at 12.15 o'clock.

Co. Wexford.—At Wexford, Friday, February 28th, at 11 o'clock.

Co. Waterford.—At Waterford, Monday, March 3rd, at 12 o'clock.

City of Waterford.—At Waterford, Monday, March 3rd, at 11 o'clock. Note.—No civil business will be taken up in the City of Waterford till 12 o'clock on this date.

Co. Tipperary (South Riding).—At Clonmel Friday, March 7th, at 11 o'clock.

Co. Tipperary (North Riding).—At Nenagh, Tuesday, March 11th, at 11 o'clock.

Queen's Co.—At Maryboro', Thursday, March 13th, at 11 o'clock.

Co. Kilkenny.—At Kilkenny, Saturday, March 15th, at 11 o'clock.

Co. Carlow.—At Carlow, Tuesday, March 18th, at 11 o'clock.

Co. Kildare.—At Naas, Wednesday, March 19th, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Gibson, and the Right Hon. Mr. Justice Madden.

Registrars.—The Hon. E. Gibson, 38 Fitzwilliam Place, Dublin; and Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin.

CONNAUGHT CIRCUIT.

King's Co.—At Tullamore, on Friday, February 28th, at 11.30.

Leitrim.—At Carrick-on-Shannon, Monday, March 3rd, at 2 o'clock.

Sligo.—At Sligo, Thursday, March 6th, at 12 o'clock.

Roscommon.—At Roscommon, Monday, March 10th, at 11 o'clock.

Mayo.—At Castlebar, Thursday, March, 13th, at 12 o'clock.

Galway.—At Galway, Tuesday, March 18th, at 11 o'clock.

Judges.—The Hon. Mr. Justice Wright, and the Right Hon. Mr. Justice Dodd.

Registrars.—Mr. George W. B. Wright, 1 Fitzwilliam Square, Dublin; and Mr. Huston Dodd, 94 Marlborough Road, Donnybrook, Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, on Thursday, 27th February, at 11.30.

Co. Longford.—At Longford, on Friday, 28th February, at 11.

Co. Cavan.—At Cavan, on Monday, 3rd March, at 1.

Co. Fermanagh.—At Enniskillen, on Thursday, 6th March, at 11.

Co. Tyrone.—At Omagh, on Saturday, 8th March, at 11.

Co. Donegal.—At Lifford, on Thursday, 13th March, at 11.

Co. Londonderry.—At Londonderry, on Saturday, 15th March, at 11.30.

City of Londonderry.—At Londonderry, on Monday, 17th March, at 11.

Judges.—The Lord Chief Baron, and Lord Justice Holmes.

Registrars.—Mr. Francis Kennedy, Marino, Blackrock, Co. Dublin; and Mr. Valentine Holmes, 3 Fitzwilliam Place, Dublin.

ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

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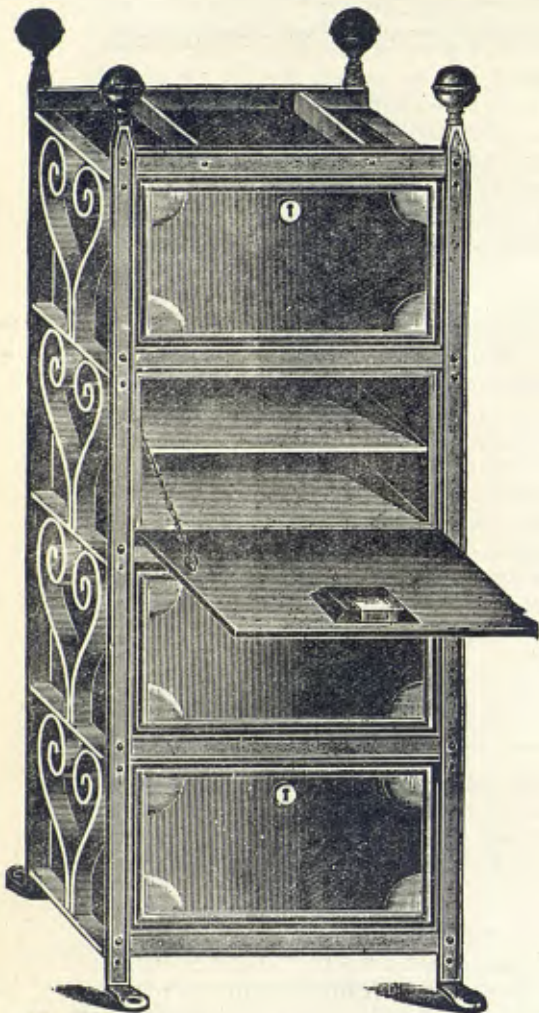
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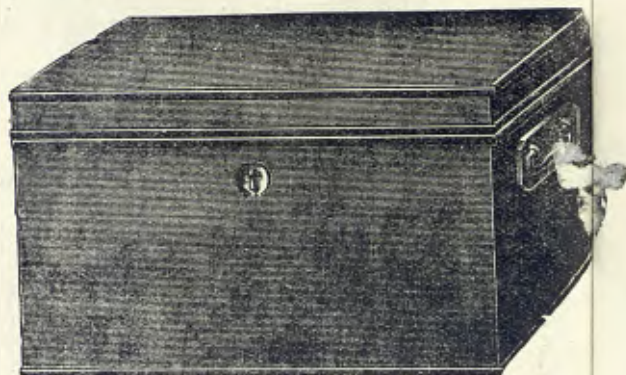
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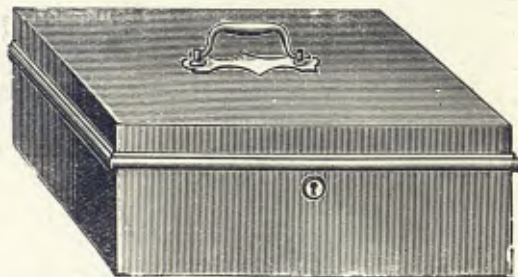
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2 ,, 22 6 ,, ; without ,, 19/- ,,



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12 x	7½ x	7 ins.	11/-	20 x	14 x	13 ins.	18/-
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Any style or size of box made to order.



Despatch Boxes, black Japanned, polished, brass handles, best quality, fitted with lever locks. 8 ins., 5/6; 10 ins. 6/6; 12 ins., 8/-; 14 ins., 9/-; 16 ins., 11/6; 18 ins., 12/6.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

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Telegrams: "Law Society, Dublin."

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March, 1913.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 9.]

March, 1913.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

February 3rd.

Under-Sheriffs (Ireland) Bill.

THE Council met specially to consider a report from the County Courts Committee, as to the urgent necessity for legislation in respect of the office of Under-Sheriff. The Under Sheriffs' Association, having requested the assistance of the Council in promoting legislation, a conference was held between three representatives of the Association and the County Courts Committee, at which the law relating to Sheriffs in Ireland, and the desirability of legislation on the subject was fully discussed. The Council agreed with the report of the County Courts Committee, which was in favour of improving the existing procedure, and the following resolution was adopted by the Council :—

“RESOLVED.—The Council of the Incorporated Law Society of Ireland are of opinion that legislation is urgently necessary for the purpose of putting the office of Under-Sheriff in Ireland on a better and more workable basis, and accordingly that it is desirable that a Bill in the terms of the Under-Sheriffs (Ireland) Bill, which was promoted by the Under-Sheriffs' Association in 1905 and approved by this Council, should be passed into law.”

February 12th.

Under-Sheriffs (Ireland) Bill.

Letters acknowledging the receipt of the above resolution were read from the Secretary of the Chamber of Commerce of Dublin and

from the Honorary Secretary of the Under-Sheriffs' Association.

Resident Magistrates.

Letters acknowledging the receipt of the resolution in favour of Solicitors being appointed to the office of Resident Magistrate, which was passed by the Council upon 29th January, and which appeared in the GAZETTE of last month, were read from the Assistant Under-Secretary for Ireland upon behalf of His Excellency the Lord Lieutenant, from the Chief Secretary for Ireland, and from the following Members of Parliament :—Mr. Brady, Mr. C. Craig, Mr. M. Healy, Mr. V. Kennedy, Mr. Lardner, and Mr. O'Shee.

Arms of the Society.

A letter was read from the Ulster King of Arms requesting the Council to lend the Society's Grant of Arms for exhibition at the Royal Hibernian Academy, and the request was complied with.

Room for the President.

The question of setting apart a room in the Society's Buildings for the use of the President of the Society for the time being was considered on a report from the House Committee, to which the matter had been referred, and it was decided that Consultation Room No. 1 be suitably furnished for such purpose, and that it be available for consultations when not being used by the President.

Easter and Whitsuntide Holidays.

A member of the Council having drawn attention to the inconvenience which arises

when Easter and Whitsuntide occur during Court Sittings, the following resolution was adopted :—

“ RESOLVED.—The Council of the Incorporated Law Society, on behalf of the Solicitors’ profession in Ireland, desire again to draw attention to the very great inconvenience to the public and the profession and to the loss of Court working days caused by the occurrence of the Easter and Whitsuntide public holidays during the Court Sittings. The Council point out that this year Easter Sunday falls on 23rd March, one week before the termination of the Hilary Sittings, and Whit Sunday on the 11th May, one week before the termination of the Easter Sittings; and that during the next twenty years (1914 to 1933 inclusive) only in six years do the Easter and Whitsuntide vacations, as rigidly prescribed by the Rules of the Supreme Court (Ireland), 1905, conveniently correspond with the public holidays.

“ The Council strongly urge that Order LXIII., Rule 1 of the Rules of the Supreme Court (Ireland), 1905, should be amended so as to provide that the termination of the Hilary Sittings, the commencement and termination of the Easter Sittings, and the commencement of the Trinity Sittings should be regulated by the dates of the Easter and Whitsuntide festivals, as is done by the corresponding English Supreme Court Rule.”

This resolution was referred to the Court and Officers Committee to take steps towards securing effect being given to it.

February 26th.

County Court and Bankruptcy Laws.

A letter was read from the Dublin Chamber of Commerce inviting the Council to nominate two of its members to meet two members of the Chamber of Commerce and two members of the Institute of Chartered Accountants, for the purpose of discussing the best means of bringing about alterations in County Court practice and the Bankruptcy Laws embodied in resolutions passed at a meeting of Irish Chambers of Commerce and other commercial

bodies, held on 6th February. The Council appointed Mr. Byrne and Mr. Collins to attend and express the views of the Council.

Conveyancing.

A letter was read from a Country member furnishing a report of proceedings against a non-professional person. The Civil Bill was brought at the instance of the Society, for recovery of a penalty under the Conveyancers Act in respect of the preparation of a deed for remuneration. The County Court Judge held that the proofs were not sufficient, and granted a dismiss.

Telephones.

Attention having been drawn to the present inefficient working of the Dublin telephones, the following resolution was adopted :—

“ RESOLVED.—The Council of the Incorporated Law Society of Ireland, upon behalf of those members of the Solicitors’ profession in Dublin who are telephone subscribers, desire to draw attention to the inefficient discharge of duties at the Central Telephone Exchange of Dublin. The Council have received complaints from members of the profession of delays in response to calls and of interruptions in conversations owing to communications being cut off without notice, and the Council hope that steps will be taken to remedy these causes of complaint, and to make the telephone service of Dublin more efficient.”

A direction was given to send a copy of the resolution to the Secretary of the General Post Office.

Certificates.

Applications from three Solicitors for renewal of their Certificates were considered, and their applications were granted.

Law Clerks.

Reports from the Court of Examiners upon applications by two Law Clerks for leave to be bound under Section 16 were submitted, and both applications were granted.

Council Meetings.

MEETINGS of the Council will be held upon the following dates:—

April 16th and 30th.

May 14th.

Committee Meetings.

THE following Committee meetings were held during February:—

Privileges 5th and 17th.

House, Library and Finance, 7th 21st, and 28th.

Gazette, 12th.

Court of Examiners, 19th.

Bankruptcy, 27th.

New Member.

THE following joined the Society during February:—

Harris, Edwin, Newry.

Recent Decisions affecting Solicitors.

(Notes of decisions whether in reported or unreported cases, of interest to Solicitors, are invited from members.)

IN the King's Bench Division, upon 25th February, before Mr. Justice Gibson, Mr. Justice Madden, and Mr. Justice Kenny,

Mr. Ronan, K.C., with whom was Mr. Cecil Atkinson (instructed by Messrs. Dealy and White), on behalf of Mr. Atwell Hayes Allen, 1 Westbourne Place, Queenstown, Co. Cork, a practising Solicitor, applied for a conditional order of *mandamus* directed to the Justices of Queenstown Petty Sessions District to compel them to give audience and hearing to Mr. Allen in certain cases in which he desired to appear as Solicitor before them. Counsel said that the case was a very remarkable one, and very important in its legal aspects, because, as far as he was aware, it was the first time in this country, that a bench of magistrates had assumed the jurisdiction of disbarring, if he might use the expression, a Solicitor by making an order that he no longer should have audience in the

Court in which they sat. There was a provision for dealing with persons guilty of contempt of their Court, or insulting the magistrates. That was held to refer to Solicitors practising in the Court as well as to others. The circumstances out of which this case arose were peculiar. He then referred to the proceedings which took place in the Petty Sessions Court at Queenstown on February 10th, and also on February 17th, as well as to a meeting of magistrates of the Queenstown district on February 13th. Mr. Allen had made certain observations with regard to the procedure of the Court. He was appearing for a person who was prosecuted for using blasphemous, obscene, and profane language, and he objected to the form in which evidence of the alleged offence was given, the expressions mentioned being written down on slips of paper, and handed up to the magistrates. The justices took exception to Mr. Allen's observations, and declined to hear him unless he withdrew them. Mr. Allen would not retract, but left the Courthouse. The magistrates at their meeting passed a resolution which amounted to a perpetual injunction against Mr. Allen, and at the next sitting of the Court, on the 17th February, declined to hear him in cases in which he had been instructed to appear.

The Court granted the conditional order, and gave permission to have a copy of same telegraphed to the magistrates sitting at Queenstown Petty Sessions.

(From *Irish Times* of 26th February, 1913).

Easter Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing by Professor Mayne on the following dates in Easter Sittings, 1913:—

April 15, 18, 22, 25, 29.

May 2, 6, 9, 16.

Lectures will be delivered to the Junior Class upon Common Law by Professor Sharpe on the following dates in Easter Sittings, 1913:—

April 17, 21, 24, 28.

May 1, 5, 8, 15.

Dates of Examinations.

THE following are the dates of the May, 1913, Examinations:—

Final—19, 20 and 21 May (Notices to be lodged on or before 21st April).

Preliminary—22 and 23 May (Notices to be lodged on or before 23rd April).

Memorandum and Suggestions as to Investment of Purchase Money of Settled Land Sold under the Land Purchase Acts.

Contributed by a Member of the Society.

VENDORS of estates, who are tenants for life, may not be fully aware of the large range of investments that have been opened up under Section 38 of the Irish Land Act, 1909.

That Section provides that, with the consent of the Public Trustee, the purchase money of Settled Land may be invested in:—

- (1) Stocks, funds or Government securities of any foreign Government or State.
- (2) Mortgages, Bonds, Debentures or Debenture Stock charged upon the undertaking of any Railway Co. in—
 - (a) The United States;
 - (b) Mexico;
 - (c) The Argentine Republic;
 - (d) Canada;

subject to certain conditions as to payment of Dividends on the Preference or Ordinary Stocks of such Railways.

The Public Trustee has from time to time published Lists of Investments that have been sanctioned by him under Section 38.

These Lists are sometimes criticised owing to the fact that "Trustee securities" are not included in the lists, and that many securities are omitted which seem much more desirable than those found in the lists published by the Public Trustee. The answer to the criticism is a simple one: The Public Trustee was not appointed for the purpose of sanctioning investment in securities in which Trustees had already full power of investing, and, again, he can only sanction such investments as the framers of the Irish Land Act, 1909, authorised him to sanction.

It may be wise to ask for the insertion of a clause in the new Land Bill—which the Chief Secretary for Ireland has promised to

introduce at an early date—extending the range of investments.

It is thought that it may be helpful to Vendors, whose Trustees are now receiving, or will shortly, receive the purchase money of the estates sold, to give some examples of how such purchase moneys can be invested, during the present state of the money market, so as to produce $4\frac{1}{4}$ per cent., $4\frac{1}{2}$ per cent., $4\frac{3}{4}$ per cent., and even a higher rate of interest.

In this connection it is right to point out that, since the decision of Barton, J., in Lord Bandon's Trust, the Redemption Price of a settled head rent may be invested in the securities authorised by Section 38 of the Irish Land Act, 1909; so that the tenant for life of a head rent, which has been redeemed, may get the same high rate of interest on the redemption money as the ordinary tenant for life of a settled estate can get on his residue of purchase money.

The following groups of investments have been carefully considered, and consist of securities that have been already sanctioned by the Public Trustee.

Care has been taken to geographically distribute the total amount invested under each group, so that only a comparatively small portion of the sum invested will be in any particular country. Thus the possibility of depreciation, owing to local influences, will be minimised and the principal kept intact and be available, as far as possible, when the time comes for the distribution of the funds.

EXAMPLE A.

Showing an Average Return of £4 5s. 9d. per cent.

	Return per cent.
1. Japanese Govt. $4\frac{1}{2}$ % Stg. Loan, 1st Series, at 92	£4 17 9
2. Northern Pacific Gt. Northern 4% Joint Bonds (C.B. & 2), at 100	4 0 0
3. New York Central and Hudson River R. R. (Michigan Cent. Coll.) $3\frac{1}{2}$ 1998 Bonds, at 80 ...	4 7 6
4. Argentine Gt. Western Rly. 4% 1st Deb. Stock, at 96 ...	4 3 4
5. Canadian Pacific Rly. 4% Deb. Stock, at 100	4 0 0
AVERAGE—£4 5s. 9d. per cent.	

EXAMPLE B.

Showing an Average Return of £4 9s. 7d. per cent.

	Return per cent.
1. Argentine Govt. 4% Bonds, 1908, at 84	£4 15 2
2. Brazil Govt. 4% 1910 Loan, at 82	4 17 6
3. Chesapeake and Ohio Rly. 4½% 20-year Convertible Gold Bonds, at 95	4 14 8
4. Minneapolis, St. Paul and Sault Ste. Marie Rly 4% 1st Mortgage Gold Bonds, at 100 ...	4 0 0
5. Prussian 3½% Consols, at 87 ...	4 0 5
AVERAGE—£4 9s. 7d. per cent.	

EXAMPLE C.

Showing an Average Return of £4 16s. 10d. per cent.

1. Chilian Govt. 5% 1896 Loan, at 100	£5 0 0
2. Chinese Imperial Rly. 5% Gold Loan, at 97	5 3 1
3. Brazilian Govt. Rlys. Rescission 4% Bonds, at 83	4 16 4

4. Buenos Ayres and Pacific Rly. 5% (1912) Deb. Stock, at 106	4 14 4
5. Argentine Gt. Western Rly. 5% Deb. Stock, at 111	4 10 1
AVERAGE—£4 16s. 9d. per cent.	

In each of the three foregoing groups it is assumed that an equal sum is invested in each security named.

Some cautious investors might possibly make the following criticism on the foregoing lists. They include:—

(a) Irredeemable stocks likely to decline in capital value.

(b) Redeemable stocks the present price of which is par, so there is no margin for appreciation in capital.

The importance of investment of Capital Moneys in definite Redeemable Securities without option, within certain dates, cannot be over estimated.

The course of low yielding perpetual securities during the last 20 years has clearly established the tendency to heavy decline in capital value.

The following table will give a few examples of the decline in gilt-edged securities between the years 1901 and the present time:—

	1901 Average Price	1913 Mid. Feb. Prices	Capital Loss
	£ s. d.	£ s. d.	£ s. d.
Consols, 2½%	94 13 9	74 10 0	20 3 9
Indian 3% (1948)	100 1 3	76 10 0	23 11 3
London County, 2½%	86 17 6	66 10 0	20 7 6
Liverpool, 3½%	117 5 0	97 0 0	20 5 0
Canada 3%, 1938	100 15 0	86 0 0	14 15 0
British Columbia 3% (1941)	92 6 3	81 0 0	11 6 3
German Imperial, 3%	88 7 6	76 0 0	12 7 6
Caledonian Rly. 4% Debs.	135 5 0	102 0 0	33 5 0
Gt. Northern 3% Debs.	100 0 0	76 0 0	24 0 0
London & Nth. Western 3% Debentures ...	103 5 0	77 0 0	26 5 0
	£1018 16 3	£812 10 0	£206 6 3

AN AVERAGE LOSS OF OVER 20 PER CENT.

Even in this List there are two definitely redeemable securities. These are included to show that they are also subject to temporary decline, owing to the remoteness of the due date; but these stocks will improve as

they approach maturity, and ultimately, of course, the capital value will be paid off at par, so that there will be no final loss on the investment.

In the case of irredeemable securities there

is no definite value settled at any future date, so that they are subject to a gradual decline with the movement which is sometimes called "decrease in value of gold" or, more accurately, "increase in cost of living."

The three lists of investments hereafter given consist of securities which are redeemable at a future date, and in respect of each investment the due date is given.

In the List marked No. 1 the yield is about 4½ per cent., and there is a prospective increase in capital, on maturity, of £684. This is a wide margin. The alternative List marked No. 1A gives an average yield of £4 8s. 6d., and a prospective increase in capital, on maturity, of £393.

In both these cases the securities are distributed over a wide area, and consist of either Government Stocks or else gilt-edge types of American Terminable Railway Bonds.

The List marked No. 2 yields £4 13s. 0d. per cent., and shows a prospective increase in capital, on maturity, of £440.

The Atcheson Topeka and Santa Fe Bonds named in this List give a high yield, but the period for redemption is a long one. On the other hand, there is a very good market in these Bonds both in England and New York, and, except in a period of financial crisis, they should not be liable to any serious fluctuations.

The List marked No. 3 gives a yield of £4 15s. 9d. per cent., and shows a prospective increase of capital, at maturity, of £573.

This List includes Greek Government 4 per cent. Railway Loan, the disadvantage of which is the period of redemption is a long one. The Mexican Government Loan, due 1954, may appear speculative to some persons owing to the disturbance in that country at present; but the country is so wealthy and well started on its development as to probably assure the service of this loan. The present troubles, by depressing the market, have given investors an opportunity to purchase these securities below the normal market value. If, however, there is any question as to the advisability of Mexican Securities at present a Brazilian loan might be substituted, *i.e.*, the 4 per cent. 1910 Loan, which gives a slightly higher yield and a slightly wider margin for capital appreciation.

For the sake of investors who may wish to invest, without the consent of the Public Trustee, a suggested group of investments is also given.

All the securities in this group are full Trustee Stocks, and the average yield is £4 0s. 5d. per cent., and the prospective increase of capital, on maturity, is £150.

LIST I.

With the Consent of the Public Trustee.

INVESTMENTS YIELDING AN AVERAGE OF £4 5s. 6d. PER CENT.

Security	Principal Due	Interest Due	Price	Cost	Yield	Income
£1000 Brazil Govt. 4% 1911	1913.27	M & S	95	£ s. d. 950 0 0	£ s. d. 4 6 0	£ s. d. 40 0 0
£1180 Russian Govt. (Nicholas Rly.) 4% Loan	1951	M & N	93	1097 8 0	4 7 0	47 4 0
£1100 Argentine Govt. Rly. Guarantee Res- cission on 4% Bonds ½% S.F.		J & J	89½	984 10 0	4 10 0	44 0 0
£1360 Hungarian Govt. 3% Bonds	1986	J & J	73	992 16 0	4 2 3	40 16 0
\$5000 Lake Shore and Michigan Southern Rly 4% Gold Bonds	1928	M & S	96xd	960 0 0	4 5 6	41 3 0
				£4984 14 0	£4 5 6%	£213 3 0

Average yield per cent. per annum £4 5 6
Prospective increase in capital on maturity 684 0 0

ALTERNATIVE LIST 1A.
With the Consent of the Public Trustee.

INVESTMENTS YIELDING AN AVERAGE OF £4 8s. 6d. PER CENT.

Security	Principal Due	Interest Due	Price	Cost	Yield	Income
£1000 Brazil Govt. 4% 1911	1913.27	M & S	95	£	£ s. d.	£ s. d.
£1100 Russian Govt. (Nicholas Rly.) 4% Loan				950 0 0	4 6 0	40 0 0
\$5000 Cuba Govt. 4½% Loan	1951	M & N	93	1023 0 0	4 7 0	44 0 0
\$5000 Lake Shore and Michigan Southern Rly. 4% Gold Bonds	1949	F & A	98	1008 4 7	4 12 0	46 5 11
£1220 Argentine Govt. 4% 1897	1928	M & S	96xd	960 0 0	4 5 6	41 3 0
	½% S.F.	A & O	85½	1043 2 0	4 15 0	48 16 0
				£4984 6 7	£4 8 6%	£220 4 11
Average yield per cent. per annum	...	...	...	...	£4 8 6	
Prospective increase in capital on maturity	...	...	...	...	393 0 0	

LIST II.

With the Consent of the Public Trustee.

INVESTMENTS YIELDING AN AVERAGE OF £4 13s. 3d. PER CENT.

Security	Principal Due	Interest Due	Price	Cost	Yield	Income
\$5000 Cuba Govt. 4½% Loan	1949	F & A	98	£	£ s. d.	£ s. d.
£1000 Chili Govt. 4½% 1886				1008 4 7	4 12 0	46 5 11
£1080 Finland Govt. 4½% Railway Loan	½% S.F.	J & J	93	930 0 0	4 17 0	45 0 0
\$5500 Atchison Topeka and Santa Fe Rly. 4% Adjustmt. Bonds	1966	J & J	98	1058 8 0	4 12 0	48 12 0
£1200 Brazil Govt. 4% Rescission Bonds ...	1995°	M & N	91	1001 0 0	4 11 0	45 5 4
	1962	J & J	83½	1002 0 0	4 16 0	48 0 0
				£4999 12 7	£4 13 3%	£233 3 3
Average yield per cent. per annum	...	...	...	...	£4 13 0	
Prospective increase in capital on maturity	...	...	...	...	440 0 0	

LIST III.

With the Sanction of the Public Trustee.

INVESTMENTS YIELDING AN AVERAGE OF £4 15s. 9D. PER CENT.

Security	Principal Due	Interest Due	Price	Cost	Yield	Income
			£	£ s. d.	£ s. d.	£ s. d.
\$5000 Chesapeake and Ohio Rly. 4½% Convertible Bonds ...	1930	F & A	95	950 0 0	4 17 0	46 5 11
£1180 Chilian Govt. 5% Loan, 1911 ...	1% S.F.	J & J	99	1168 4 0	5 1 0	59 0 0
£1200 Greek Govt. 4% Rly. Loan, 1902 ...	2001	J & J	83	996 0 0	4 16 3	48 0 0
\$5500 Mexican Govt. 4% Loan, 1904 ...	1954	J & D	85	961 18 8	4 15 0	45 5 4
\$5000 Southern Pacific Rly. 4% 20-year Convertible Bonds	1929	M & S	92	920 0 0	4 10 6	41 3 0
				£4996 2 8	£4 15 9%	£239 14 3
Average yield per cent. per annum ...				...	...	£4 15 9
Prospective increase in capital on maturity ...				...	...	573 0 0

SUGGESTED GROUP OF INVESTMENTS IN FULL TRUSTEE STOCKS.

Security	Principal Due	Interest Due	Price	Cost	Yield	Income
			£	£ s. d.	£ s. d.	£ s. d.
£1000 Belfast Corporation 3½% Redeemable Stock ...	1935	J & J.	91	900 0 0	3 18 6	35 0 0
£1000 New South Wales 4% Inscribed Stock	1942.62	J & J	99½	997 10 0	4 0 3	40 0 0
£1000 New Zealand 4% Inscribed Stock ...	1943.63	F & A	97½	975 0 0	4 2 0	40 0 0
£1000 Queensland 4% Inscribed Stock ...	1940.50	A & O	98½	987 10 0	4 1 0	40 0 0
£1000 Tasmania 4% Inscribed Stock ...	1940.50	J & J	99	990 0 0	4 0 9	40 0 0
				£4850 0 0	4 0 5	£195 0 0
Average yield per cent per annum	£4 0 5
Prospective increase in capital on maturity	150 0 0

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THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities

offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Hely's Ltd., 28 Dame Street, Dublin.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

April, 1913.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VI, No. 10.]

April, 1913.

[FOR CIRCULATION
AMONGST MEMBERS]

Meetings of the Council.

March 12th.

Solicitors (Ireland) Act.

A LETTER was read from a country member giving a report of proceedings against a non-professional person. The proceedings were instituted at Petty Sessions at the instance of the Council under Section 53 of the Solicitors (Ireland) Act, and the defendant pleaded guilty, and was ordered to pay a fine and costs. A full report of the case will be found in this GAZETTE.

Solicitor's Audience.

A letter having been received from a member of the profession asking the opinion of the Council upon the question whether the privilege of audience of Solicitors extends to all matters to which the jurisdiction of the Court of the Land Commission itself extends, a report from the Land Act Committee upon the question was submitted and adopted.

The report of the Committee stated: "that after careful consideration of the Statutes and rules governing the jurisdiction and procedure of the Land Commission the Committee are of opinion that Solicitors have no right of audience in cases appearing in the Court list of the Judge of the Irish Land Commission when sitting to dispose of business under the Land Purchase Acts, and that the Judge has jurisdiction to direct what classes of cases should appear in the Court and Chamber lists respectively."

Debating Society.

A letter from the Apprentices' Debating Society, making suggestions relative to the

examination system of the Law Society, was read and referred to the Court of Examiners.

Law Clerks.

Reports from the Court of Examiners upon applications by two Law Clerks for leave to be bound under Section 16 were submitted, and both applications were granted.

A memorial of a law clerk seeking a modified preliminary examination was considered, and it was resolved that same should not be opposed.

March 28th.

Bankruptcy Bill.

This Bill, which has been read a second time in the House of Commons, was submitted. The Bill, when introduced last Session in the House of Lords, contained a clause which would have enabled a creditor to present a bankruptcy petition in England against a Scotch or Irish debtor who within a year had carried on business in England, either personally or by means of an agent or manager, or had been a member of a firm which carried on business in England by means of a partner or an agent or manager. Objection was made to this clause by the Council through Mr. Brady, M.P. The Council also communicated with the Incorporated Society of Law Agents in Scotland, and obtained their co-operation. In the result an amendment, suggested by the Council, excepting from the operation of the clause the case of a person domiciled in Scotland or Ireland, or a firm or partnership having its principal place of business in Scotland or Ireland, has at the instance of

Mr. Brady been accepted by the Board of Trade, and has been inserted in the Bill as introduced this Session.

The Clause read as follows in the Bill of last Session:—

“ 9. For paragraph (d) of Sub-section (1) of Section six of the principal Act (which relates to the conditions on which a creditor may present a bankruptcy petition), the following paragraph shall be substituted:—

(d) The debtor is domiciled in England, or within a year before the date of the presentation of the petition has ordinarily resided, or had a dwelling-house or place of business in England, or has carried on business in England, personally or by means of an agent or manager, or is or within the said period has been a member of a firm or partnership of persons which has carried on business in England by means of a partner or partners, or an agent or manager.”

The Clause in the Bill of this Session reads as follows:—

“ 9. For paragraph (d) of Sub-section (1) of Section six of the principal Act (which relates to the conditions on which a creditor may present a bankruptcy petition), the following paragraph shall be substituted:—

(d) The debtor is domiciled in England, or within a year before the date of the presentation of the petition has ordinarily resided, or had a dwelling-house or place of business in England, or (*except in the case of a person domiciled in Scotland or Ireland or a firm or partnership having its principal place of business in Scotland or Ireland*) has carried on business in England, personally or by means of an agent or manager, or (*except as aforesaid*) is or within the said period has been a member of a firm or partnership of persons which has carried on business in England by means of a partner or partners, or an agent or manager.”

Local Bankruptcy Court Rules.

It was resolved that certain amendments to the existing Local Bankruptcy Court Rules which have been prepared by the Council, on the suggestion of the Southern Law Associa-

tion, should be sent to the Under-Secretary for Ireland, with the request that they may be submitted to His Excellency the Lord Lieutenant with a view to an Order in Council being made giving effect to them.

There has been no revision of the Local Court Rules since the promulgation of the present Supreme Court Rules of 1905, and the amendments now suggested are for the purpose of altering some of the Local Court Rules in order to assimilate them to the corresponding Supreme Court Rules.

Certificate.

An application from a Solicitor for renewal of his Certificate was considered and was granted.

Council Meetings.

MEETINGS of the Council will be held upon the following dates:—

April 16th and 30th.

May 14th.

Committee Meetings.

THE following Committee Meetings were held during March:—

Land Acts, 5th.

Court and Offices, 7th.

Court of Examiners, 10th.

Gazette, 14th.

Costs, 27th.

Obituary.

MR. HENRY S. NOBLETT, Solicitor and Notary Public, Cork, died upon the 11th March, 1913, at his residence Ashton Place, Cork.

Mr. Noblett, who served his apprenticeship with his father, the late Mr. Henry Noblett, 74 South Mall, Cork, was admitted in Easter Term, 1855, and practised at 25 South Mall, Cork.

New Members.

THE following joined the Society during March:—

Dolan, Matthew R. B., 18 Bachelor's Walk, Dublin.

Fullerton, Thomas J., 43 Lr. Sackville Street, Dublin.

Legal Appointment.

Mr. Patrick Lavery, Solicitor, of Armagh, has been appointed Registrar to the County Court Judge of the County of Kerry.

County Courts (Ireland) Bill.

THE following has appeared in the Parliamentary Papers:—

Q. Mr. Charles Craig.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will state what steps, if any, he has taken towards giving effect to the recommendations of the county court judges and the Incorporated Law Society *re* proposed reforms in county court procedure in Ireland; if he has received the resolutions passed by the Associated Chambers of Commerce in Ireland on the same subject; and what steps he intends taking to give effect to them. [13th March, 1913.]

A. Mr. Birrell.—I have received the resolutions referred to. The Report in question is under consideration, but I am not yet in a position to make any statement on the subject. [13th March, 1913.]

Recent Decisions affecting Solicitors.

(Notes of decisions, whether in reported or unreported cases, of interest to Solicitors, are invited from Members.)

KING'S BENCH DIVISION (ENGLAND).
(Before Bucknill, J.)

VINE, *v.* NATIONAL MOTOR CAB COMPANY
(LIMITED) AND ANOTHER.

Feb. 22, 1913.—*Practice—Costs—Two defendants—Plaintiff successful against one defendant—Costs payable to successful defendant recoverable from unsuccessful defendant.*

THE plaintiff sued the two defendant companies to recover damages for personal injuries sustained by him owing to the negligence of the defendants' servants or the servants of one of them. At the trial the jury found that the accident was solely due to the negligence of the servants of the first defendants, against whom they awarded the plaintiff £250 damages, and they exonerated

the servants of the London General Omnibus Company, the second defendants, from all blame.

Mr. Justice Bucknill, in giving judgment, said that the question he had to consider was whether the proper order to make was that the plaintiff should recover from the unsuccessful defendants the costs which he would be compelled to pay to the London General Omnibus Company, who had been successful in the action as against him. In order to determine this question he must consider what was the attitude taken up by the unsuccessful defendants. His Lordship reviewed the circumstances of the case, and said that when the plaintiff's Solicitors wrote before action to the National Motor Cab Company, the latter, in replying, should have said something which would have been a guide to the plaintiff as to whether he ought to join the London General Omnibus Company as defendants or not. The plaintiff, with his limited knowledge of the facts, was entitled to bring an action against both the defendants; but the first defendants, when they were applied to by the plaintiff, ought to have said whether they alleged negligence against the omnibus company or not. There would be judgment for the plaintiff against the National Motor Cab Company for £250 and costs, and judgment for the London General Omnibus Company against the plaintiff with costs; such costs, however, must be paid to the plaintiff by the National Motor Cab Company.

(Reported *The Times Law Reports*, Vol. XXIX., page 311.)

KING'S BENCH DIVISION (ENGLAND):

(Before Channell, Bray, and Coleridge, JJ.)

In re A SOLICITOR; *Ex parte* THE LAW SOCIETY.

March 12, 1913.—*Solicitor—Professional misconduct—Solicitor's interest in debt-collecting business—Champertous arrangement.*

THE Law Society found that the respondent, by his interest in and connection with a debt-collecting association, had been guilty of professional misconduct.

Held, that this finding was right, but that as the respondent, on becoming aware that

his connection with the Association was unprofessional, at once severed his connection with it, it was sufficient to order him to pay the costs of the proceedings.

The Committee of the Law Society found that the respondent Solicitor was cognisant of and party to the formation in November, 1908, of the Manchester Property Association, in which he became, in February, 1910, and remained until November, 1911, a partner; that from its formation he financed the association, and during his partnership partly controlled its affairs; and that he acted thus with a view to the employment by him of the association as an adjunct to his business as a Solicitor; that by the agency of the association the respondent systematically solicited debt-collecting and business transfer work, and that in certain cases he did so without disclosing his connection with the association and with a view to procuring for himself the litigious business in connection with such work; that the terms upon which the respondent, by the agency of the association, solicited debt-collecting and business transfer work, and upon which he conducted the several proceedings and the several actions mentioned in the committee's report were champertous and improper.

Upon these findings, and upon the facts stated by them, the Committee reported that the respondent had been guilty of professional misconduct within the meaning of the Solicitors Act, 1888.

Mr. Justice Channell, in delivering judgment, said that the statutory committee had found that the respondent had been guilty of professional misconduct within the meaning of the Solicitors Act. It had been said in several cases that upon such matters the Court would almost invariably act upon the opinion of the gentlemen who formed the Committee of the Law Society. These gentlemen were the most competent to decide upon professional matters of this kind, and the analogy drawn in *In re a Solicitor* (28 *The Times L. R.* 50) from the medical profession, was, he thought, a good analogy. This Court, although it would in a proper case differ from the Law Society, did not lightly do so in cases of that nature. In this case the Court agreed with the judgment, if he might so call it, of the Committee to the effect that the respondent had been guilty of

professional misconduct. The question then was, what order the Court ought to make; it being a case brought within the disciplinary jurisdiction of the Court. The facts were rather special. The respondent was connected for some time in business with the association; he was party to its formation. It was an association which contemplated a mode of remuneration of the respondent which was of a champertous character, namely, a share by way of percentage of the property recovered. At the same time it had not been decided by the Court, when the particular association was formed, that it was improper for a Solicitor to be connected in that way with a debt-collecting business. The respondent was not guilty of any fraud or misappropriation; there was nothing of that kind; he was simply a party to that unprofessional arrangement. As soon as the case of *In re a Solicitor* (*supra*) was decided he at once altered his position in reference to the association, and that was the strongest circumstance in his favour which induced the Court to take a lenient view of his position. The respondent's conduct was clearly not so bad as was that of the Solicitor in *In re a Solicitor* (*supra*), in which case the Solicitor was suspended for twelve months; so it was obvious that if the present respondent were to be suspended he ought not to be suspended for so long a period as twelve months. It was not very useful to suspend a man if they did not see their way to suspend him for a substantial period. In the circumstances the Court came to the conclusion that it would be sufficient to order the respondent to pay the costs of the proceedings.

Mr. Justice Bray and Mr. Justice Coleridge concurred.

(Reported 29 *The Times Law Reports*, 354.)

GALWAY PETTY SESSIONS.

THE INCORPORATED LAW SOCIETY OF IRELAND, *Complainants*;

TIMOTHY NAUGHTON, of 35 Shop Street, Galway, Publican and Farmer, *Defendant*.

March 10, 1913.—*Wrongfully acting as a Solicitor—Using false description.*

THIS was a summons at the suit of the Incorporated Law Society of Ireland, under

Section 53 of the Solicitors (Ireland) Act, 1898, against the defendant for that he did illegally and improperly wilfully and falsely pretend to be a Solicitor, and did take and assume the name and title and addition of one L. J. Hobson, an unknown person, in a certain application for debt, viz.: the sum of ten shillings to one Bridget Boyle, a creditor of the said defendant, he therein claimed the sum of 2s. 6d. costs of said application on the 9th day of December, 1912, thereby implying that he was at said date a practising Solicitor duly qualified to act as a Solicitor, contrary to the provisions of the 53rd Section of the Solicitors (Ireland) Act, 1898, and the other Acts incorporated therewith.

The facts of the case were that one, Mrs. Boyle, being indebted to the Defendant in the sum of ten shillings, the Defendant sent to her, by post, a demand for payment on a blue form in print and manuscript, purporting to be signed by "L. J. Hobson, Solicitor," there being in reality no such Solicitor on the Roll of Solicitors in Ireland. The notice was in the following terms:—

Preliminary Notice for Payment of Debt.

To Mrs. Boyle, Wood Quay.

Notice is hereby given, that unless the sum of ten shillings due from you to T. Naughton, with 2s. 6d. costs, be paid within eight days from the date hereof, an action at Law will be commenced against you for the recovery of the said sum, together with all expenses connected therewith. It is to be hoped you will deem it prudent to pay within the time specified, and thereby avoid the expenses to which you will otherwise be liable.

Dated this 9 day of Decr., 1912.

L. J. Hobson,
Solicitor.

Mr. P. J. B. Daly, Solicitor, appeared for the complainants; Mr. Blake, Solicitor) of the firm Blake and Kenny), appeared for the defendant; and pleaded guilty on his behalf, and urged, in mitigation, that the defendant was not aware that he was infringing the law in sending the document.

The Bench, under the circumstances, imposed a fine of half-a-crown and awarded two guineas costs against the defendant.

KING'S BENCH DIVISION.

Before Palles, L.C.B., Kenny & Wright, JJ.

REX. (MANNING) v. E. G. SWIFTE, ESQ.

April 18, 25, 1910.—*Local Government—*

Election—Charge of personation—Charge dismissed—Sum awarded as compensation to include costs—Consent of Solicitor binds client—Further proceedings barred—13 & 14 Vict., c. 69, s. 96.

Held (per Kenny and Wright, JJ., Palles, L.C.B., dissenting) that the action of the Solicitor amounted to a consent to accept the summary compensation, and that it bound the client under 13 & 14 Vict., c. 69, s. 96.

Certiorari to quash an order of E. G. Swift, Esq., Divisional Magistrate, made on Feb. 5, 1910. Henry Manning was a voter on the register of voters for the Rotunda Ward, Dublin. On Feb. 4 there was an election for a town councillor for the ward, and Manning attended the booth to vote, and was given in charge by Thos. Joyce, the personation agent of Patrick Shortall, one of the candidates, on the ground that he was personating some person else, and was not the person whose name was on the register. The magistrates dismissed the charge on the ground that the man was entitled to vote. It was pointed out to the magistrate by the Solicitor for the returning officer, who had signed the charge sheet, that Mr. Swift had power to award compensation under 13 & 14 Vict., c. 69, s. 96, and Mr. Swift proposed to give £5. Manning's Solicitor (Mr. J. Brady) said if any penalty were to be awarded it should be the maximum under the Act, and Mr. Swift dismissed the charge with "£10 compensation, to include costs." Manning was not asked by the magistrate if he would consent to accept such compensation, and neither he nor his Solicitor expressly consented, nor had the Solicitor any express authority to consent. Some days afterwards proceedings were instituted for damages for false arrest and imprisonment and malicious prosecution against the parties who had so prosecuted him, and a copy of the magistrate's order was served on Manning's Solicitor as a bar to his taking any further proceedings. It was now sought to have the said order, so far as it related to the award of £10 to Manning by way of damages and costs, quashed on *certiorari* as being made without and in excess

of jurisdiction, inasmuch as the said Henry Manning did not consent to nor declare to the said Justice his consent to accept the said sum by way of damages and costs.

Wright, J., in giving judgment, said that, in his opinion, taking the whole of s. 96 of the Act, 13 & 14 Vict., c. 69, it meant that the magistrate could only make an order for payment of compensation by a consent given in Court. Mr. Brady had ample authority, not only to defend the man, but also to deal with all the consequences of the findings of the Court. One of the consequences was the question of awarding compensation, which could only be awarded if there was the consent of the client or a person who had authority to represent him. His Lordship held that Mr. Brady had authority to represent the man, and that in exercise of that authority he consented to accept the £10, and that the order of the Court, which was sufficient in form, was based on that consent. The conditional order ought, therefore, to be discharged.

Kenny, J., concurring, held that the order was good. The affidavits of the officials support the view that the consent of the applicant was given by his Solicitor, Mr. Brady, and everything done in the case was done in presence of the applicant. The consent was that the applicant accepted the order of Mr. Swift to take the £10, and agreed to go no further.

Palles, L.C.B., was of opinion that there was a consent given, but the circumstances must be borne in mind. The incidents of this particular proceeding must be considered. Whether this consent was given within the section of the Act was the point upon which he differed from the majority of the Court. Under the section there should be first an adjudication by the magistrate, and then there was to be the consent of the person to whom it was awarded. It was not necessary that there should be two orders made by the magistrate, both adjudications could appear in the same document. The applicant should have had the option given him by the statute.

The conditional order was discharged.

The Court allowed Mr. Joyce his costs, but refused costs to the Town Clerk.

(Reported I.L.T.R., Vol. XLVII., 63.)

Land Judges' Rules.

FINANCE (1919-10) ACT, 1910.

RULES respecting duties under the Finance (1909-10) Act, 1910, chargeable upon lands the subject of proceedings for sale before the Land Judge, or on lands over which a Receiver has been appointed, and in respect of which the Receiver's Accounts are passed before the Receiver Examiner.

1. All forms necessary to enable the Commissioners of Inland Revenue to make valuations under Part I. of the Finance (1909-10) Act, 1910, and all provisional valuations may be sent to the Receiver Examiner; but each form or provisional valuation so sent must identify the lands to which it refers by giving the title of the suit or matter in which proceedings in relation to such lands are pending.

2. Each such form or provisional valuation when so received shall be forwarded by the Receiver Examiner to the Solicitor having carriage of the proceedings in the matter to which it relates.

All forms issued by the Commissioners of Inland Revenue in relation to lands circumstanced as above shall be filled in by the Solicitors having carriage of the proceedings in the respective suits or matters to which they relate. And the Receivers in the said several suits and matters respectively shall be bound to furnish to the Solicitors having carriage of the proceedings in said several suits and matters all the information in their power to enable such forms to be accurately filled in. All such forms, when filled in, shall be returned to the Commissioners of Inland Revenue or to the Commissioner of Valuation, as the case may be, by the Solicitor who shall have filled in such form.

When a provisional valuation is sent to the Solicitor having carriage of the proceedings in the matter to which it relates such Solicitor shall consider such valuation carefully in order to determine whether it is satisfactory or not. If an amendment is considered necessary he shall give notice of objection to the provisional valuation under Section 27 of the Act, and shall, when required, attend before the Commissioner of Valuation for the consideration of such objection.

If the Commissioner of Valuation shall refuse to amend the provisional valuation in

pursuance of such objection, or if any amendment made therein shall appear to the Solicitor having carriage of the proceedings not to be satisfactory, the matter shall be brought before the Receiver Examiner for his directions as to the advisability of an appeal under Section 33 of the Act.

No such appeal shall, however, be taken except under a Ruling or Order of the Judge. Receivers shall be bound to assist the Solicitors having carriage of the proceedings in the consideration of provisional valuations, and in the ascertainment of proper deductions to be made in arriving at the assessable site value, and in formulating claims for such deductions.

The Receiver Examiner shall, subject to review by the Land Judge, if desired by any party interested, fix such remuneration for the Solicitors having carriage of the proceedings and for the Receivers for work done under these Regulations as he may consider just. The remuneration so fixed for Solicitors having carriage of proceedings shall be allowed on the taxation of their costs.

The remuneration fixed for Receivers shall either be allowed to them as a credit in their accounts, or, if that cannot be done, shall be paid to them out of the general funds in the matter.

Dated 28th March, 1913.

(Signed),

IGNATIUS J. O'BRIEN, C.
JOHN ROSS, Land Judge,
Chancery Division.

Irish Land Commission.

The following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged.

Place of Sitting	Date of Sitting	Districts Listed
	1913	
Dublin ...	April 17th	Leinster (part of).
Dublin ...	" 24th	Leinster (part of).
Dublin ...	May 1st	Leinster (part of).
Monaghan ...	" 6th	Co. Monaghan.
Enniskillen ...	" 7th	Co. Fermanagh.
Dublin ...	June 12th	Leinster (part of).
Belfast ...	" 17th	Co. Antrim.
Belfast ...	" 24th	Co. Down.
Killarney ...	" 30th	Co. Kerry.
Cork ...	July 1st	Co. Cork.
Clonmel ...	" 3rd	Co. Tipperary (part of).
Waterford ...	" 4th	Cos. Kilkenny and Waterford.

New Solicitors.

ADMISSIONS DURING MARCH, 1913.

<i>Name</i>	<i>Served Apprenticeship to</i>
Exham, Cecil Harmer ...	Alfred H. Exham, Cork.
Fullerton, Thomas Joseph	John R. O'Connell, Dublin.
Grimes, Patrick ...	Christopher M. Grimes, Dublin.
Hanrahan, John Quin ...	A. C. Cooney (the late), Enniskillen, and James Cooper, Enniskillen.
MacCulloch, Robert Ross	Stuart C. Ross, Londonderry.
McBreen, Augustine Stanislaus	Francis MacBreen, Bailieborough.
McCulloch, William S. ...	W. H. Halpin, Cavan.
Moon, Daniel Christopher	Robert O'Neill, Coleraine.
Stuart Patterson	
Ronan, John	Walter B. Ronan, Cork.
Skehan, Maurice ...	John J. MacKenzie, Clonmel.
Telford, James ...	William G. McSpadden, Rathfriland.
Waldron, Percy John ...	John Waldron, Abbey-leix.
White, Charles Thomas Blair	W. Grove White, Dublin.
Wright, William Martin	William Patterson, Belfast.

Result of Intermediate Examination.

At the Intermediate Examination, held upon 3rd March, the following Apprentices passed the Examination :—

CLASS I.

1. Richard T. Scallan.
2. Gerald V. Maloney.
3. Patrick Corbett.

The remaining candidate was postponed. Four candidates attended: three passed; one was postponed.

Easter Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing by Professor Mayne on the following dates in Easter Sittings, 1913 :—

- April 15, 18, 22, 25, 29.
May, 2, 6, 9, 16.

Lectures will be delivered to the Junior Class upon Common Law by Professor Sharpe on the following dates in Easter Sittings, 1913 :—

- April 17, 21, 24, 28,
May 1, 5, 8, 15.

Dates of Examinations.

THE following are the dates of the May, 1913, Examinations:—

Final—19, 20 and 21 May (Notices to be lodged on or before 21st April).

Preliminary—22 and 23 May (Notices to be lodged on or before 23rd April).

Calendar of the Incorporated Law Society, 1913.

THE Calendar and Law Directory, published by the Society for 1913, can be obtained in the Secretary's Office, price three shillings, or by post, three shillings and fourpence.

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