















THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XV, No. 1.]

May, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 1.]

May, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscription.

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

Town Members and Country Members of more than three years' standing entitled to vote at election of ordinary members of Council	£1 0 0
Other Country Members	0 10 0
Members who have been admitted to the profession under three years	0 10 0
Press rent	0 5 0

Meetings of the Council.

April 6th.

Twenty-six Members present.

Irish Land Bill.

A report was submitted from the Land Acts Committee dealing in detail and at considerable length with the Irish Land Bill, introduced by the Government in November, 1920. This report was the result of prolonged consideration of the Bill by the Committee and of interviews with the Judge of the Land Commission, and the Estates Commissioners, with the Congested Districts Board, and with other persons interested in land purchase. The report contained a series of amendments to the Bill, which the Committee prepared from a professional standpoint, and which they suggested should be submitted to the Government in view

of the re-introduction of the Bill. The report was adopted by the Council, and it was resolved to forward the amendments to the Government.

April 20th.

Twenty-seven Members present.

The late Lady Glynn.

A resolution was passed expressing to Sir Joseph Glynn the sympathy of the Council on the death of Lady Glynn.

Searching of Solicitors' Offices.

A report from the Privileges Committee in reference to the searching of Solicitors' offices by the military authorities was submitted, and the following resolution was adopted, and it was arranged that a letter be written to the Commander of the Forces requesting him to receive the President in order that he might submit this resolution to him:—

Resolved—"That in the opinion of this Council the removal by the Crown forces from Solicitors' offices of Counsel's briefs, or any documents prepared by a Solicitor in connection with the defence of his client, is a grave infringement of the recognised privileges of the Solicitors' profession. The Council urge for the protection of Solicitors' privileges that where the competent military authority exercises the right to search Solicitors' offices, every care should be taken to prevent undue interference with confidential or privileged papers the property of the clients of the Solicitors."

The President subsequently had an interview with the Commander of the Forces to whom he handed a copy of the resolution. The Commander of the Forces discussed the subject-matter of the resolution with the President, and promised to write to the Secretary undertaking that the suggestions of the Council would be respected.

A letter has since been received by the Secretary from the Commander of the Forces, in which he stated that there were occasions on which it was very difficult to ensure that no inconvenience would be caused, but that he would endeavour to prevent any undue interference with confidential or privileged papers the property of the clients of the members of the profession.

Criminal Injuries Proceedings.

A letter was read from a country member drawing attention to a proclamation issued by the Commander of the Forces on 14th April, ordering that within areas in which martial law has been declared the jurisdiction of all Courts of Justice relating to claims in respect of damage alleged to have been done by the forces of the Crown is suspended until further orders, save in so far as any proceedings may have been expressly sanctioned by the military governor. The letter enquired the opinion of the Council as to whether the writer was precluded from instituting proceedings for clients who allege that their property has been burnt by the forces of the Crown. The Council directed a reply suggesting that the writer could apply for the sanction of the military governor, and if obtained, proceed.

Obituary.

Flying Officer PIERSE J. COX, Adjutant of the 14th Squadron, Royal Air Force, Solicitor, was killed in an aeroplane accident at Ramleh, Egypt, on the 14th April, 1921.

Flying Officer Cox served his apprenticeship with Mr. Wm. Dorgan, 6 South Mall, Cork; was admitted in Trinity Sittings, 1912, and practised at Cork up to 1914, when he joined the Army.

MR. JOHN KELSO REID, Solicitor, died upon the 21st April, 1921, at his residence, The Elms, Londonderry.

Mr. Reid served his apprenticeship with the late Mr. Forrest Reid, Londonderry; was admitted in Hilary Sittings, 1886, and practised at Londonderry.

MR. GEORGE WHEELER, Solicitor, died upon the 29th April, 1921, at his residence, 100 St. Lawrence Road, Clontarf.

Mr. Wheeler served his apprenticeship with the late Mr. Thomas McClelland, 16 Bachelor's Walk, Dublin; was admitted in Michaelmas Sittings, 1895, and practised at 86 Merrion Square, Dublin.

Commissioner to Administer Oaths.

The Lord Chancellor has appointed Mr. Vincent Kennedy, Solicitor, 16 Dame Street, Dublin, to be a Commissioner to administer Oaths.

Taxation of Costs.

In the preparation of all Bills of Costs for taxation, both as between party and party, and as between Solicitor and client, the additional fifty per cent. authorised by the various rules of 1920 should be included in each item, and should not be claimed by a bulk sum at the foot of the bill.

Professorship of Equity, Real Property Law, and Conveyancing.

The Council will, upon Wednesday, 22nd June, 1921, appoint a Professor of Equity, Real Property Law, and Conveyancing, who will enter on his duties next Michaelmas Sittings. The appointment will be made for one year, and the Professor appointed will be eligible for re-appointment for each of the four succeeding years.

A candidate for the Professorship must be either a practising Barrister or a practising Solicitor (in each case of not less than six years' standing), and he should send his application on or before the 14th June, 1921, 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) assisting in examining at the Final Examination. The lectures take place on Tuesdays and Fridays, 1.30 to 2.30 p.m.

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

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Incorporated Law Society of Ireland.

Vol. XV, No. 2.]

June, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

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of the Government of India

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Vol. XV., No 2.]

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[FOR CIRCULATION
AMONGST MEMBERS.

Half-yearly General Meeting.

The Half-yearly General Meeting of the Society was held on Wednesday, the 11th May, in the Solicitors' Buildings, Four Courts, Mr. Charles G. Gamble, President, occupied the chair.

The following members were present:—

E. N. Edwards (Vice-President), M. L. Hearn (Vice-President), A. E. Bradley, P. J. Brady, E. H. Burne, W. S. Hayes, James Moore, J. E. MacDermott, T. G. Quirke, J. W. Richards, Patrick Rooney, W. V. Seddall, W. J. Shannon, R. G. Warren, R. Blair White, J. W. Dyas, Sir J. R. O'Connell, Peter Seales, W. T. Sheridan, R. A. Andrews, R. N. Keller, T. F. Monks, A. H. S. Orpen, A. D. Orr, A. W. Stirling, C. St. G. Orpen, H. J. McCormick, A. E. Walker, D. A. Quaid, E. Condell, D. B. Gilmore, P. Kenney, V. Kennedy, C. G. P. Wilson, W. H. C. Lloyd, R. W. MacNeice, Ivan Howe, E. J. Mallins, G. E. G. White, F. V. Gordon, James Brady, C. T. B. White, S. Bell, John Moran, Daniel O'Grady, Samuel Kerr, E. B. Maguire, D. H. Charles, M. J. Dwyer, A. T. Ellis, and E. R. Bate.

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

The President nominated the following members to act as scrutineers of the ballot for Council to be held on 21st November next:—Messrs. E. F. Collins, M. Dawson, H. P. Mayne, F. Sharpe and N. Taylor.

Mr. Edwards, V.P., moved, Mr. Hayes seconded, and it was resolved that Mr. W. W. Carruthers, Mr. D. B. Dunne and Mr. T. A.

Ireland be appointed Auditors of the Society's accounts for the year ending 30th April last.

THE PRESIDENT addressing the meeting said:—The disastrous condition of this country, and the continuance of civil strife is one that, in common with the rest of the community, we, as a profession, deplore, for professional pursuits have become most difficult and harrassing to carry on.

The conditions prevailing re-act acutely on the prosperity and utility of the legal professions, and we who are dependent on professional pursuits naturally desire, not only from that point of view, but for every other reason, to see our country as it might and should be in peace and prosperity.

We are not as a body political or even semi-political.—politics do not enter into our functions. Our professional duties are apart from either political or party strife, and we can but continue to carry on to the best of our ability our duties to the public, handicapped though we be by many difficulties.

The Solicitors' profession, however, in itself represents an influential section of the whole community in closest touch with the affairs and concerns of the rest of the inhabitants, and I may be permitted to express the conviction that in the grave circumstances of the present its members will at all times and at all seasons be true to the best traditions and dignity of professional life, and lend their influence to subduing and effacing the angry passions at present prevalent.

It seems optimistic, but with the license allowed to me as your President I will venture to express the hope that before our next General Meeting we may see a settlement in this country, and have once more got going in peace and harmony under settled

conditions. I pray God that it may be so, and I exhort you to acquit yourselves in any reorganisation of our national affairs with credit to yourselves, to your profession, and to your country.

It is my duty as President to review the work of your Council during the past half-year as it affects you, and as it affects the public whom we serve.

Your Council commenced its labours in the present year deprived of the valuable assistance of their former colleague and past President, Mr. Charles St. G. Orpen, who after unselfish and attentive service to your Council for fifteen years resigned, much to our regret and to your loss. We have, however, been strengthened by new blood, and our new colleagues have fully justified your confidence.

For a long time it has been felt that the highly technical and laborious process of rendering legal charges in detail was not only undignified, but in a great many instances unnecessary.

The legal work of a Solicitor, involving as it does expert legal knowledge and training, with the incidental anxiety, responsibility and expense, is practically impossible to delineate accurately on paper, and the antiquated medium of a bill of costs not only fails to do this but presents a number of unintelligible items, often both confusing and irritating to the client. In England this form of recording professional services has been in practice superseded for some time (subject of course to the right of the client to have details if required), and professional accounts furnished in globo. By a general Order under the Solicitors' Remuneration Act it has been enacted that professional accounts in this country in respect of legal business under that Act to which no settled Scale fee attaches may be furnished in gross, reserving the right of the client so requiring it to full details, and to taxation within twelve months of furnishing the account, or within one month of its payment.

I don't think the public ever suffer by any reform that adds to the dignity of professional life, and I don't think they will have any cause to complain of the deprivation of that particularly unpalatable class of literary

refreshment known as a bill of costs, especially as those who still thirst for it can get it.

On the subject of professional remuneration (a topic I do not wish to labour) it has been necessary in the altered economic conditions to bring them in common with all other professions and business more into proportion with the increased cost of living; the wind has been tempered to the shorn lamb by an increase which but partially effects this object. We hope, however, that improved conditions may help to equalise matters, but at present the advantage is with the public, and we are the sufferers.

In this connection an increase of 50% has been made in local Bankruptcy Court proceedings in order to bring it into line with what has been done in relation to High Court business.

My first experience on becoming as your President a member of the Rule-making Authority was in connection with the framing of Rules of Court; rendered necessary by that startling development of modern times, the Lady Juror; Rules rendered necessary in connection with the empanelling of mixed juries.

The Treasury have increased the fees payable in the Registry of Deeds, a tax which falls upon the public, but which I record as every increase of the kind increases the total of legal expenses, which the public are prone to forget often involves a large amount of outlay.

In common with other public bodies we have made formal protest to the Government against the increase in telephone charges, but as you are aware the Government remained adamant, and the public suffer, nevertheless I record the effort we made as having been done not only in our own interests but those of our clients, the public.

The Treasury regulations by which Exchequer Bonds and National War Bonds and War Loan Stock belonging to deceased persons are accepted in payment of death duties, has been largely availed of. These Bonds the State must accept in payment of the price of issue.

I need scarcely point out that I only touch upon matters that may be of public interest, and that your Council accomplishes much

unostentatious work not necessary to elaborate on an occasion such as this, in connection with its Statutory functions and with matters educational, disciplinary and professional.

A special Committee was appointed to prepare a report of and draft suggested amendments on the draft of the new Land Purchase Bill which met on many occasions, and devoted much time to this measure in the interests of the profession and of their clients, involving interviews with the Estates Commissioners, including the new Judicial Commissioner (on whose early elevation to the Bench we congratulate him), the Congested Districts Board, the Law Officers of the Crown, and others, and after considerable time and attention a report has been submitted with suggested amendments passed by the Council and circulated to all concerned in the passing of the Bill.

I can only express the hope that generosity to this country may in result prove a feature of the Bill, as payment in stock created for the purpose of financing a measure of compulsory sale, subject as it would be to all the fluctuations of the market and thrown on the market necessarily in large amounts from time to time, and being a Stock Irish in its conception (not an appreciative factor at the moment) all these forces must work out great loss and injustice on Vendors who, unless the measure be altered in this respect, have to sell at a price fixed by Statute, and must pay off all their charges in full in cash.

A Government that hesitates not to subsidize industry in many millions at the expense of the tax-payer, should experience no hesitation in at least paying 20/- in the £ for what it takes compulsorily from the subject. Honesty is a good policy, even when legislating for Ireland.

Our suggested amendments are directed alike in the interests of the owner, the chargeants, the tenants and all others concerned, and we approach all such matters with a full recognition of the fact that one way and another as a profession we represent all classes.

If there be any settlement in this country I trust that more generous treatment under this head than the draft Bill offers will be a

term of such settlement, and that all concerned will see to it. We have done our part and are ready to co-operate and do more if we can.

The Society continues to be a voluntary one, but it is no exception to the prevailing condition that expenses are doubled.

Our Subscriptions remain the same. I have no mandate from my Council, but I hope I don't overstep my position if I remind you the time may come when we may have to increase them, and I expect a loyal whole-hearted response should such a proposition become necessary.

I don't think it is expedient on this occasion to conjecture as to our position under Partition, for at present nothing is very definite. We, as a Council, are fully alive to it, and will come to you in General Meeting if occasion arises, and a Committee has been set up and has our position under the Government of Ireland Bill in consideration. Meantime I ask you to accept my assurance that your interests are watched. If enforced loss of income result from this Partition legislation, this Society will have to consider its position and formulate its claims.

Our War Memorial is almost ready to be erected. It has been on view in the Hall of the School of Art where the Royal Hibernian Academy Exhibition is now being held, and may be seen there by all subscribers.

A very special function in honour of our fallen brethren will be duly organised, to which I am confident you will do full justice. We are short by £70 of the full amount required. I commend this fact to your attention and pride.

In conclusion I would impress upon you that if the Law Society is to effectually continue as a guardian of the honour and best interests of the legal profession it represents, it must have the whole-hearted support of those whose cause it advocates and represents. The work of the Society inures for the benefit of the profession at large; there are nevertheless some who are mean enough to reap and enjoy those benefits, while at the same time avoiding the small tax which membership involves, and anyone who takes the trouble to acquaint himself with the benefits secured for the profession in the last half-

century by the efforts of the Society, benefits which all enjoy to-day, will realise how entirely lacking in *esprit de corps* are the minority not on the roll of membership, and who fail to realise the higher and larger considerations of membership.

MR. DAVID QUAID moved a resolution to the following effect, of which he had given notice:—"That, as the intervention of the Crown in defence of the magistrate in the case of *Quaid v. Lupton*, recently decided before the Recorder of Dublin, affects the Solicitors' profession, it be referred to the Council for consideration and report." He said that he thought it an extraordinary precedent that the Crown should come in and defend the case, when the magistrate was accused of exercising his prerogative arbitrarily. If the Crown interfered in such cases between the solicitor and the magistrate every magistrate throughout the country who happened to find himself in a difficulty would call upon the Crown to support him, and, to his mind, it would be a serious thing for the entire body of the profession in Ireland. Was it, he asked, consistent with the independence of the magistrate and with public policy that the Crown should intervene in such cases?

MR. SAMUEL KERR seconded the motion.

The meeting passed the resolution, the President remarking that what would be taken into consideration would be the right of the Crown to intervene, and not the merits of the case, as decided by the Recorder, and intimated that when any member is desirous of having a question of professional interest considered by the Council, a letter to the Secretary on the subject always receives attention.

MR. W. S. HAYES moved a vote of thanks to the President which was passed, and the President having returned thanks the meeting terminated.

Meetings of the Council.

May 25th.

28 Members present.

General Meeting.

The resolution passed at the General Meeting on 11th inst. was referred to the Privileges Committee for report.

Unqualified Persons.

Enquiry was directed to be made in reference to a letter written by an unqualified person, who falsely described himself as a solicitor, which letter had been forwarded to the Secretary by the solicitor for the person to whom the letter had been written.

Commissioners to Administer Oaths.

The Lord Chancellor has appointed the following to be Commissioners to administer oaths:—

Robert I. Archer, Solicitor, 12 Upper Ormond Quay, Dublin.

William J. Doherty, Assistant to the Clerk of Crown and Peace, Mullingar.

Obituary.

MR. JOHN WILSON, Solicitor, died upon the 12th May, 1921, at his residence 33 Main Street, Longford.

MR. WILSON served his apprenticeship with his father the late Mr. John Wilson, Longford, was admitted in Hilary Term, 1864, and practised at Longford.

MR. DANIEL C. S. P. MOON, Solicitor, died upon the 13th May, 1921, at Ballydevitt, Aghadowey, Co. Londonderry.

MR. MOON served his apprenticeship with Mr. Robert O'Neill, Coleraine; was admitted in Hilary Sittings, 1913, and practised at Aghadowey.

MR. JEREMIAH MCCARTHY, Solicitor, died upon the 30th May, 1921, at his residence 3 Union Place, Sligo.

MR. MCCARTHY served his apprenticeship with the late Mr. James Plunkett, 19 Upper Sackville Street, Dublin, was admitted in Hilary Sittings 1884, and practised at Sligo.

Solicitors' Golfing Society.

The Annual Competition for Challenge Cup was held at Dollymount on Tuesday, May 24th, 1921. 56 members entered and the cup was won by Mr. M. J. Dwyer, 90, 17, 73. Mr. Thomas Early was second with score of 86, 11, 75. Mr. D. Sullivan won the prize (presented by Mr. James Henry) for best gross score with an 84.

In the afternoon a Foursome Sweepstakes against Bogey was played. Messrs. T. Early and P. M. Seales, 3 down, were first, and Messrs. Basil Thompson and F. D. Darley, 4 down, were second.

The business meeting was held in the evening, Mr. Gamble, President of the Incorporated Law Society, presiding.

The following officers were elected :—

President—The President of the Incorporated Law Society.

Captain—Mr. J. B. Moore.

Committee—Messrs. Thomas F. Monks, Paul A. Brown, R. G. Warren, Basil Thompson, and Thomas Early.

Hon. Sec. and Treasurer—Mr. H. Horan.

Mr. James Henry announced to the meeting that he had received from the President, Mr. Gamble, a donation of £5 to the Society.

A cordial vote of thanks was passed to Mr. Gamble for presiding.

It is intended to hold an afternoon Competition towards the end of the Long Vacation.

Summer Assizes, 1921.

The following dates have been fixed for the Summer Assizes :—

MUNSTER CIRCUIT

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

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

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

Co. Kerry.—At Tralee, Friday, July 8th, at 11 o'clock.

Co. Cork.—At Cork, Tuesday, July 12th, at 12 o'clock.

Co. of the City of Cork.—At Cork, Wednesday, July 13th, at 11 o'clock.

Judges.—The Right Hon. the Lord Chief Justice of Ireland; the Right Hon. Mr. Justice Pim.

Registrars.—Mr. Hugh F. Molony, 35 Fitzwilliam Place, Dublin; Mr. Francis Kennedy, 25 Wellington Place, Dublin.

NORTH-WEST CIRCUIT

Co. Westmeath.—At Mullingar, Monday, July 4th, at 11.30 o'clock.

Co. Longford.—At Longford, Tuesday, July 5th, at 11 o'clock.

Co. Cavan.—At Cavan, Wednesday, July 6th, at 2 o'clock.

Co. Fermanagh.—At Enniskillen, Saturday, July 9th, at 11.30 o'clock.

Co. Tyrone.—At Omagh, Tuesday, July 12th, at 12.30 o'clock.

Co. Donegal.—At Lifford, Friday, July 15th, at 12 o'clock.

Co. Londonderry.—At Londonderry, Monday, July 18th, at 11.30 o'clock.

Co. of the City of Londonderry.—At Londonderry, Wednesday, July 20th, at 11 o'clock.

Judges.—Right Hon. Mr. Justice Dodd; Right Hon. Mr. Justice Gordon.

Registrars.—Mr. Huston Dodd, 46 Hannaville Park, Terenure, Dublin; Mr. A. S. Gordon, Llanmaur, Shankill, Co. Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, Friday, July 1st, at 11 o'clock.

Co. Wexford.—At Wexford, Saturday, July 2nd, at 11 o'clock.

Co. Waterford.—At Waterford, Monday, July 4th, at 11 o'clock.

Co. of the City of Waterford.—At Waterford, Monday, July 4th, at 11 o'clock.

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

Co. Tipperary, (North Riding).—At Nenagh, Saturday, July 9th, at 11 o'clock.

Queen's Co.—At Maryborough, Monday, July 11th, at 11 o'clock.

Co. Kilkenny.—At Kilkenny, Tuesday, July 12th, at 11 o'clock.

Co. Carlow.—At Carlow, Wednesday, July 13th, at 11 o'clock.

Co. Kildare.—At Naas, Thursday, July 14th, at 11 o'clock.

Judges.—Lord Justice Ronan, Lord Justice O'Connor.

Registrars.—Mr. John Ronan, 45 Fitzwilliam Square, and Mr. Fergus O'Connor, 58 Northumberland Road, Dublin.

NORTH-EAST CIRCUIT.

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

Co. Louth.—At Dundalk, Monday, July 4th, at 11.30 o'clock.

Co. Monaghan.—At Monaghan, Wednesday, July 6th, at 11.30 o'clock.

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

Co. Down.—At Downpatrick, Wednesday, July 13th, at 12.30 o'clock.

Co. Antrim.—At Belfast, Tuesday, July 19th, at 12 o'clock.

Co. of the City of Belfast.—At Belfast, Thursday, July 21st, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Moore and the Right Hon. Mr. Justice Samuels.

Registrars.—Mr. J. M. Davies, 22 Kildare Street, and Mr. Robert I. Archer, 12 Upper Ormond Quay.

CONNAUGHT CIRCUIT

King's Co.—At Tullamore, Monday, July 4th, at 12 o'clock.

Co. Leitrim.—At Carrick-on-Shannon, Wednesday, July 6th, at 2 o'clock.

Co. Sligo.—At Sligo, Friday, July 8th, at 2 o'clock.

Co. Mayo.—At Castlebar, Tuesday, July 12th, at 2 o'clock.

Co. Roscommon.—At Roscommon, Saturday, July 16th, at 11.30 o'clock.

Co. Galway.—At Galway, Wednesday, July 20th, at 12.30 o'clock.

Judge.—The Hon. Mr. Justice Wylie.

Registrar.—Mr. J. A. Jackson, St. Brendan's, Sandymount Avenue, Dublin.

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Meetings of the Council.

June 8th.

Twenty-seven Members present.

Examinations Results.

The report of the Court of Examiners on the Preliminary and Final Examinations was submitted and adopted.

June 22nd.

Twenty-eight Members present.

Professorship.

The applications from candidates for the Professorship of Equity, Real Property, and Conveyancing, were considered, and the Council elected Mr. J. Malvern White, B.A., LL.B., T.C.D., Solicitor, as Professor.

War Memorial.

It was decided that the ceremony of unveiling the War Memorial in the Solicitors' Buildings, Four Courts, should be performed by the President of the Society on 8th July.

Obituary.

MR. ROBERT O. NORWOOD, Solicitor, died upon the 4th June, 1921, at Dublin.

Mr. Norwood served his apprenticeship with the late Mr. Andrew E. Johnston, 3 Palace Street, Dublin; was admitted in Trinity Sittings, 1889, and practised at 179 Great Brunswick Street, Dublin, up to 1917.

MR. WILLIAM L. CARSON, Solicitor, died upon the 13th June, 1921, at Dublin.

Mr. Carson served his apprenticeship with the late Mr. Peter Lambert, Dublin; was admitted in Michaelmas Term, 1875, and practised formerly in partnership with the late Mr. H. S. Mecredy in Dublin, and afterwards at Moynalty, Co Meath, up to the year 1919, when he retired.

New Members.

The following have joined the Society:—

John J. Early, 16 Henry Street, Dublin.

J. H. B. Gunning, Solicitor's Department, Inland Revenue, Dublin.

Frederick C. MacNeice, 24 Dame Street, Dublin.

Vincent P. McMullin, Ballybofey, Co. Donegal.

War Memorial.

The following additional subscriptions have been received since those acknowledged in the issue of the Society's GAZETTE of last March:—

Five guineas from Mr. H. R. Maunsell (2nd sub.).

Two guineas each from Mr. A. H. S. Orpen (2nd sub.), Messrs. H. C. Neilson, Son and Dawson, Messrs. Moore, Keily and Lloyd, Mr. E. St. F. Collins, Mr. G. A. Overend, Messrs. W. Mooney and Son, and Messrs. Matheson, Ormsby and Prentice.

Two pounds from Mr. G. P. Girling (2nd sub.).

One guinea each from Mr. W. T. Clare

(2nd sub.), Mr. John Moran, Mr. W. T. Mackay, Anonymous, Mr. W. A. Lanphier (2nd Sub.), Mr. J. F. A. Simms, and Mr. A. T. Ellis.

One pound each from Mr. J. H. Dudley and Mr. H. D. Vaughan.

A balance of fifty pounds still remains to be collected.

Remuneration of Solicitors.—Suggested Reform.

The Lord Chancellor of England has appointed a Committee, consisting of Mr. Justice Russell (Chairman), Mr. Morton (President, English Law Society), Sir William Pearce, Sir William Plender, and Mr. Simpkin (the Public Trustee), "to consider and report whether it is desirable to amend the law governing the method of remuneration of Solicitors by enabling Solicitors to charge by a gross sum, and, if so, subject to what provisions for the protection of the clients of the Solicitors."

Four Courts Offices and Staffs.

The Treasury, with the consent of the Lord Chancellor, and the Lord Chief Justice, have appointed a Committee, consisting of Mr. A. P. Waterfield and Mr. J. Roe, both of the Treasury, and Mr. Gerald Horan, K.C., Clerk of the Crown and Hanaper, assisted by Mr. Garratt, Solicitor, of the Chancery Registrar's Department, Royal Courts of Justice, London, to report upon the organisation and staff requirements of the Irish Legal Departments.

The Committee have visited and inquired into the working of the various offices in the Four Courts. As a result of representations from the Council a deputation consisting of the President of this Society, together with Mr. Edwards, Vice-President, and the Secretary, had an interview by appointment with the Committee on the 8th June, and various matters in relation to the discharge of the business transacted in the offices at the Four

Courts as affecting the public and the Solicitors' profession, were discussed, and the deputation were afforded an opportunity of offering opinions on various suggestions put forward by the Committee in relation to the future working of some of the departments in the Four Courts.

Examination Results.

At the Preliminary Examination held on 12th and 13th May, the following passed the Examination, and their names are arranged in order of merit:—

1. James A. Power.
2. Samuel Anderson.
3. John S. O'Connor.
4. John P. Dowd, } equal.
- Martin Fitzgerald, }
6. Alexander E. Martin.
7. Thomas G. Logue.
8. John Pollin.

William H. M. Brownlee, Peter Hutton, Laurence Kirwan, Stephen M. McAuliffe, and Frederick G. Patterson passed the modified Preliminary Examination, for which they had liberty to present themselves.

Nineteen candidates attended; 13 passed; 6 were postponed.

At the Final Examination held on 18th, 19th and 20th May, the following passed the Examination and their names are arranged in order of merit:—

1. Michael Tynan.
2. George McSpadden.
3. Hutchinson E. Davidson, } equal.
- Valentine E. Kirwan, }
5. Barry M. O'Meara, B.A., N.U.I.
6. Daniel O'Leary.
7. Ronald H. Brown, B.A., N.U.I.
8. William H. Fyffe.
9. John McGrath, B.A., N.U.I.
10. Richard J. Farrell.
11. Francis E. Scallan.
12. Patrick Corbett.
13. Vincent P. McMullin.
14. Michael C. Burke.
15. William J. Fitzgerald.
16. John G. Wheeler.

The Council awarded Gold Medals to Michael Tynan and George McSpadden, Silver Medals to Hutchinson E. Davidson and Valentine E. Kirwan, and Special Certificates to Barry M. O'Meara and Daniel O'Leary.

Eighteen candidates attended : 16 passed ; 2 were postponed.

Recent Legal Decision.

COMMISSIONERS OF INLAND REVENUE,

Appellants ; BLOTT, *Respondent*.

SAME, *Appellants* ; GREENWOOD, *Respondent*.

HOUSE OF LORDS.

June 3rd, 1921.—*Revenue—Income Tax—Super Tax—Bonus Shares.*

These were appeals from a decision of the Court of Appeal in England, which affirmed a decision of Rowlatt, J.

The facts were substantially the same in both cases. An assessment to super tax under the Finance (1909-10) Act, 1910, was made upon the respondent in the first case for a certain year in respect of an allotment to him of bonus shares in a limited company of which he is a shareholder. In the previous year the company, in pursuance of a power in that behalf contained in its articles, had passed a resolution that out of its undivided profits a bonus should be paid to its shareholders, and authorising in satisfaction of that bonus a distribution among its shareholders of certain of its unissued shares

credited as fully paid up, and the respondent's shares had been allotted to him in that previous year pursuant to that resolution.

Rowlatt, J., held that for the purposes of the super tax the shares so allotted to the respondent could not be treated as part of his "total income from all sources for the previous year" within the meaning of s. 66, sub-s. 2, of the Act, inasmuch as they were not part of his income but were an addition to his capital in that year, and his decision was affirmed by the Court of Appeal.

The House, by a majority of three to two, after consideration, dismissed the appeals. In the opinion of the majority the distribution of these bonus shares was one of capital and not of income, and was made such for all purposes by the decision of the company itself to that effect.

(Reported *Weekly Notes*, June 11th, 1921.)

Notice of Change of Address:

MR. FREDERICK G. SHARPE, Solicitor, has changed his registered address from 16 College Green to 8 Nassau Street, 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

OF

Incorporated Law Society of Ireland.

Vol. XV, No. 4.]

August, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

of the Government of India

Part II, Section 3, Sub-section (2)

1956

1	General
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6	Public Service Commission
7	Public Service Commission
8	Public Service Commission
9	Public Service Commission
10	Public Service Commission
11	Public Service Commission
12	Public Service Commission

THE GAZETTE

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Vol. XV., No 4.]

August, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 6th.

Twenty-seven Members present.

Court of Examiners.

Reports were submitted on applications from four Law Clerks for leave to be bound under Section 16. Three of the applications were granted; the fourth was refused.

Claims for Death Duties.

The draft clauses to be inserted in Finance Bill, received from the Registrar of Estates Duties, in reference to the procedure to be adopted where the Inland Revenue, owing to the destruction of documents, are unable to give a certificate of no claim for duty in relation to property being sold in Court, also in reference to the costs of furnishing information to the Inland Revenue, were considered. It was decided to request that a further clause dealing with cases of sales of property by private contract, where owing to the destruction of documents a certificate of no claim for duty cannot be given, should also be inserted in the Bill.

July 20th.

Eighteen Members present.

Claims for Death Duties.

A reply was read from the Inland Revenue, stating that they did not see sufficient reason for putting forward a clause for insertion in the Finance Bill dealing with inability to give certificates of no claim for duty in respect of sales of property by private contract.

The clauses inserted in the Finance Bill on report stage dealing with this matter were submitted. They appear in this GAZETTE.

Adjournment.

The Council adjourned until 5th October.

Obituary.

MR. ROBERT DICKIE, Solicitor, died upon the 11th July, 1921, at his residence, Fairhill, Dundalk.

Mr. Dickie served his apprenticeship with Mr. James Henry, Dublin; was admitted in Trinity, 1888, and practised at Roden Place, Dundalk, in partnership with Mr. A. S. Coulter and Mr. Goodlett Hamill as Dickie, Coulter and Hamill.

MR. ALEXANDER CHISHOLM CAMERON, Solicitor, died upon the 13th July, 1921, at Rockfort, Sandycove, Co. Dublin.

Mr. Cameron served his apprenticeship with the late Mr. W. Milward Jones, Dublin; was admitted in Hilary, 1888, and practised at 6 Dawson Street, Dublin, in partnership with Mr. Henry P. Mayne, as Milward Jones and Cameron. He was a Director of the Solicitors' Benevolent Association.

MR. PATRICK KENT, Solicitor, died upon the 17th July, 1921, at his residence, Ardenagh, Waterford.

Mr. Kent served his apprenticeship with the late Mr. Shapland M. Tandy, Dublin; was admitted in Trinity, 1878, and practised at Waterford.

MR. FLORENCE W. MCCARTHY, Solicitor, Town Clerk of Cork, died upon the 23rd July, 1921, at South Infirmery, Cork.

Mr. McCarthy served his apprenticeship with the late Mr. John Stanton, Cork; was admitted in Hilary, 1900, and was appointed Town Clerk of Cork in 1901.

MR. DAVID J. HIGGINS, Solicitor, died upon the 29th July, 1921, at his residence, 12 Anne Street, Clonmel.

Mr. Higgins served his apprenticeship with the late Mr. Theodore Cronhelm, Dublin; was admitted in Easter, 1882, and practised at Clonmel.

New Members.

The following have joined the Society:—

T. Desmond McLoughlin, 18 College Green, Dublin.

Valentine E. Kirwan, 13 Suffolk Street, Dublin.

Jeremiah J. Creed, Macroom, Co. Cork.

War Memorial.

The Memorial, erected in the Solicitors' Buildings, Four Courts, to the memory of the twenty Irish Solicitors and eighteen Apprentices to Solicitors who laid down their lives in the war, was unveiled by the President of the Incorporated Law Society on 8th July.

The Memorial, designed by Mr. Oliver Sheppard, R.H.A., and erected by Messrs. Sharp and Emery, is in bronze, and consists of a figure symbolical of Peace. It is surmounted by the arms of the Society, with the names of those to whose memory it is erected on panels to the right and left of the figure, and a panel at foot with the following inscription:—

This Tablet is erected to the memory of the Irish Solicitors and Apprentices to Irish Solicitors who gave their lives for their King and Country in the great war, 1914-1918.

*"Who ventured life and love and youth
For the great prize of death in battle."*

In response to the invitation of the President and Council of the Incorporated Law Society of Ireland issued to relatives of those to whom the Memorial is erected, and to the members of the profession who subscribed towards the fund necessary to defray the cost of the Memorial, a large and

representative gathering attended, and were received in the Council Chamber, and they subsequently assembled in the Grand Hall of the Society, Solicitors' Buildings. The Secretary read apologies from relatives and subscribers who were unavoidably prevented from accepting the invitation of the President and Council.

The President addressed those present on the subject of their assembling together, and at the close of his address he went, with those present, to the staircase leading to the Hall, where he performed the unveiling ceremony.

The President, addressing those present in the Hall, said:—

I am privileged as your President to perform a public duty here to-day, a very solemn one, which I assure you I approach with a deep sense, not only of its importance, but of very real pride in which you are all privileged to share; and I invite your kind indulgence and attention.

In addressing you on this occasion, momentous in our family traditions, let me, in the first instance, extend a sympathetic greeting to those relations of our fallen brethren who are able to be amongst us to-day as well as to those who, though present in spirit, are prevented by circumstances from coming.

Not the least satisfaction to us on this occasion lies in the reflection that in setting up this Memorial we may in some measure gratify them, too, in paying our testimony to deeds and memories of those who were our professional brethren, whose sacrifice and example we cherish with them in a sense of a common loss.

We hope our War Memorial in its design, structure and placement may commend itself to their approval and that of all concerned in the movement.

A Special Committee of past Presidents was appointed to carry it out, and they are responsible for details to which they have devoted much time and sympathetic concern. They engaged the services of our well-known fellow-citizen, Mr. Oliver Sheppard, R.H.A., who is responsible for the design, which takes the form of a bronze tablet on stone, the figure of "Peace" in the centre, and the names of those, to whose perpetual honour it is erected, on each side.

I have no doubt that when you have had an opportunity of examining Mr. Sheppard's work you will all agree that he has not only justified our selection and confidence but has achieved a superb result entitling him to the highest praise and reflecting the highest credit on the artistic capabilities of Dublin City. We have had photos of the Memorial prepared, which will be presented to all relatives who may apply to our Secretary, Mr. Wakely, for them.

After careful consideration the Council decided that a Memorial of this kind, being essentially a family affair, subscriptions should be limited strictly to our own ranks, and though we might have invited some exalted outside personage to preside at this ceremony, it was felt that it would be more dignified, seemly and agreeable to the profession that it should be confined to our own selves as a purely domestic function in the privacy of our own official premises, and it is under these circumstances that the responsibility has devolved upon me, and I am keenly sensible of the honour.

During the War 155 Irish Solicitors and 83 Apprentices joined the military forces; of these we honour to-day the memory of 20 Solicitors and 18 Apprentices who ventured all and gave their lives in the Great Adventure, and I will ask you all now to stand up in their honour and come to attention while I read out their names:—

SOLICITORS.

FRANCIS AHERN.
 THOMAS JOYCE ATKINSON.
 LOUIS BARRON.
 JAMES S. BOAL.
 EDWARD ELLARD BRADY.
 WILLIAM PUREFOY BRIDGE.
 JOHN VALENTINE DUNN.
 HERBERT S. FINDLATER.
 BRENDAN JOSEPH FOTTELL.
 ROBERT CLIFFORD ORR.
 JOHN GEOFFREY PERSSE.
 WILLIAM REEVES RICHARDS.
 W. HOWARD SANDERSON.
 RICHARD TALBOT SCALLAN.
 ALFRED GEORGE F. SIMMS.
 WILLIAM ALAN SMILES.
 ROBERT STANTON.
 RICHARD COOKE WALLACE.
 SAMUEL CECIL WEBB.
 WILLIAM WHALEY.

APPRENTICES TO SOLICITORS.

HUGH MONTGOMERY BAILLIE.
 VINCENT CONNELL BYRNE.
 ARTHUR NICKSON CALLAGHAN.
 ARTHUR C. CROOKSHANK.
 JAMES JOHN DAVIDSON.
 FREDERICK E. B. FALKNER.
 MICHAEL J. FITZGIBBON.
 PHILIP JAMES FURLONG.
 IVAN HAROLD GARVEY.
 J. KENNETH MACGREGOR GREER.
 THOMAS O. J. KAVANAGH.
 HENRY IRWIN MAHAFFY.
 DANIEL O'RORKE.
 ROBERT KELLY POLLIN.
 MARCUS RALPH RUSSELL.
 JOHN HARTLEY SCHUTE.
 SAMUEL LEE TOLERTON.
 ALEXANDER M. TURNBULL.

The Memorial which we are about to unveil records in a tangible and lasting form, and is an endeavour to articulate and perpetuate those feelings of admiration, gratitude and pride with which we, as a profession, cherish the memory and loss of those young lives who, on our behalf, went out from amongst us, lives which, though dedicated to civil life and peaceful pursuits, with no previous military training and no premonition of what was before them, when the call came proved that our ranks contained brave men of heroic instincts and public spirit, of high resolve and dauntless courage, who realised in its highest and most supremely unselfish sense the full significance of what is involved in the word Duty— which in their case prematurely, as in our own sooner or later, "leads but to the grave."

In the interval that has elapsed a multiplicity of thrilling and distressing events have pressed upon us as a civil population, struggling to emerge and emancipate ourselves from the dreadful aftermath of the most devastating and brutal war in history.

If we can but adjust the perspective of our minds over this crowded interval back to those dreadful days, we will recollect how we were confronted by a danger unprecedented in our history or experience, a danger so threatening, so overwhelming to our very existence and to all we held most dear and sacred, that it swept away

instantaneously all human and social barriers, all things that mattered or which, in pre-war days, we conceived to be important in the daily problems associated with the continual striving of a great population for solution of its relatively petty questions of political strategy and domestic legislation—important, of course, in a degree to any community—but obliterated by the threatened deluge of an unprepared Empire, which left us confronted with but one single problem that overshadowed all, one dominant purpose to which all other considerations yielded, viz., how to win the war and how to stem the avalanche which threatened us with disaster.

Those whose deeds and memory we honour and perpetuate to-day, each by his individual effort helped to stem the torrent, but were lost in the flood.

“It is the dead that win battles.”

It is the individual effort that spells collective results.

By their sacrifice we have been saved and survive to carry on; let us then, for God's sake, carry on in all things in a manner worthy of that sacrifice of young manhood to which our profession, in common with others, has paid its sad toll, and, generally speaking, let us see to it that all the sorrows distresses and bereavements of the war do inspire us to closer union and to higher ideals of duty, of fraternity and of citizenship.

If their example be utilised and appreciated by us for such a purpose their sacrifice will not have been in vain, and the aftermath of difficulty and unrest around us affords ample scope for putting such lessons into practice.

They have passed beyond the sphere of contemporary hatreds and strife, the great events in which they participated for our sake are now passing into history—history which they will have helped to make, and now that this terrible convulsion has subsided, we who survive may perhaps better realise in its true proportion the real grandeur and nobility of their sacrifice.

In our divided country there is still no reason, thank God, why Irishmen of all shades of thought should not reciprocally join in recognising heroic deeds and the unselfish devotion of life to the safety of the community, nor do even current Irish affairs

afford any reason why we should not emulate each other in doing homage to heroes, and; in so far as is in our power, recording and perpetuating their title to enduring admiration and example.

The Memorial has been erected in a spot and in precincts hallowed by the thought that in the joyousness of young life they have all, at one time or another, passed by it to and fro from their lectures and in their daily pursuits. Aye! brushed against the very walls on which is now erected the Memorial to their memory and heroism.

They rest in soldiers' graves, but their example endures for us and our succeeding generations, and this Memorial, by the setting up of all that it stands for, and by its own artistic excellence, will serve to endow our professional precincts with an additional value, and is a possession ennobling and enriching our whole legal community.

To the lessons it ought to teach and the traditions it is creating amongst us I attach the highest possible value, being as it is a united tribute to heroic example of fallen comrades; let it also serve to inspire in us, as a profession greater unity, good fellowship with one another, and in that which all professional men of high principle regard first and before all else, the performance of duty and a right sense of the true meaning of that word which ennobles all work done in its name.

Properly appreciated, it will speak to those who come after us of those terribly critical times through which their forbears passed, of a time when members of their own legal family, fixing their eyes on the great realities of life and death, put duty first and, never hesitating, greatly dared, died and achieved, bequeathing to them, and also to us of this generation, a priceless example and tradition.

Emotional regrets for them, however, will but little avail us, who should profit by their brotherly sacrifice, if such emotion does not react in such efforts and results on our part, as I have suggested, in the future, and help us to rise to higher levels and ideals.

Most of you have read that breezy book of Ian Hay's, "The First Hundred Thousand," and may recall the simple soldier lines which we might well associate with those gallant gentlemen to whose memory we do honour to-day.

" And now to-day has come along
 With rifle, haversack and pack
 We're off, a hundred thousand strong,
 And—some of us may not come back.
 But all we ask if that befall
 Is that within your hearts be writ
 This single line memorial
 ' He did his duty and his bit' "

Finance Act, 1921.

Attention is drawn to Section 63. of this Act, which received the Royal Assent on 4th August, 1921.

Provision for cases where documents relating to death duties have been lost, destroyed, or damaged.

63. (1) Where any document in the custody of the Commissioners relating to duty charged or chargeable in respect of any property has been lost or destroyed, or has been so defaced or damaged as to be illegible or otherwise useless the Commissioners may require any person appearing to them to be accountable or to have accounted for that duty, to furnish to them to the best of his ability such information, particulars, and evidence, including evidence by affidavit, as they may require for replacing that document, and any person so appearing to be accountable shall be liable to discharge all claims in respect of that duty, unless he proves to the satisfaction of the Commissioners that those claims have already been discharged or that he is not accountable for the duty.

(2) The Commissioners shall have all such powers for the purpose of enforcing any requirement made by them under this section as they had for the purpose of enforcing the delivery of the document which is to be replaced, and all statutory provisions in that behalf, including provisions as to penalties, shall apply accordingly with the necessary modifications.

(3) The Commissioners shall pay to any person complying with any requirement

under this section his reasonable cost for so doing, and if any question arises as to the amount so to be paid as costs the question shall be referred to and determined by a taxing master of the High Court, or in Scotland by the auditor of the Court of Session.

(4) Where the Commissioners are required by any person to issue any document certifying that any duty has been paid or is not payable, or to make any allowance in respect of any duty paid, or to do any act or thing consequent on the payment of duty, they may, where the evidence of the payment of or of non-liability to do duty has been destroyed, refuse, notwithstanding any enactment to the contrary, to comply with the requirement except on proof to their satisfaction that the duty has been paid or is not payable, or that the act or thing required to be done is in the circumstances reasonably necessary, as the case may be.

(5) Where the Commissioners declare that by reason of the loss, destruction, defacement or damage of any document they are unable to certify that there is no claim for duty in respect of any property, a court may in any proceedings relating to that property, notwithstanding any enactment to the contrary, dispose of that property or the proceeds of sale thereof without making provision for the payment of any duty chargeable in respect thereof.

Provided that nothing in the foregoing provision shall affect any right of the Commissioners as against any person accountable for any duty so chargeable, not being a purchaser for value without notice that there is a claim for duty in respect thereof.

(6) In this section, unless the context otherwise requires—

The expression "document" includes affidavit, account, and record;

The expression "Commissioners" means the Commissioners of Inland Revenue;

The expression "duty" means any death duty.

Intermediate Examination Results.

At the Intermediate Examination held on 23rd June, the following passed the Examination and their names are classed and arranged in order of merit:—

CLASS I.

- | | | |
|----|-----------------------|----------|
| 1 | Helena M. Early | } equal. |
| | John M. Salmon | |
| 3 | Edmund Carroll. | |
| 4 | John G. McGrath. | |
| 5 | Herbert McNeice. | |
| 6 | Joseph O'Hara. | |
| 7 | Robert Baillie, Junr. | |
| 8 | Cornelius Healy | } equal. |
| | William White | |
| 10 | Robert E. Felton. | |
| 11 | Philip Gorfunkle. | |
| 12 | Harry McCracken. | |
| 13 | Barry St. J. Galvin | } equal. |
| | Edward Walsh | |

CLASS II.

- | | | |
|----|--------------------------|----------|
| 1 | Alexander H. Allen | } equal. |
| | John F. McCartan | |
| 3 | Richard H. S. Twigg. | |
| 4 | John R. Lawson. | |
| 5 | John Taylor. | |
| 6 | Edward A. Clery | } equal. |
| | Hugh R. Wallace | |
| 8 | Alexander M. Healy. | |
| 9 | William J. V. Comerford. | |
| 10 | Patrick F. O'Reilly. | |

The remaining candidates are postponed.

46 candidates attended; 24 passed;
22 were postponed.

Dates of October Examinations, 1921.

Preliminary.—October 6 and 7. Notice to be lodged before 14th September.

Intermediate.—October 11. Notice to be lodged before 24th September.

Final.—October 12, 13 and 14. Notice to be lodged before 27th September.

Michaelmas Sittings Lectures, 1921.

Dates of Senior Class Lectures, at 2 o'clock, p.m.

October 25, 28.

November 1, 4, 8, 11, 15, 18, 22, 25, 29.

December 2.

Books recommended to be read by Apprentices attending Senior Class Lectures: Williams' Real Property, Snell's Equity, Davidson's Concise Precedents in Conveyancing.

Dates of Junior Class Lectures, at 2 o'clock, p.m.

October 27, 31.

November 3, 7, 10, 14, 17, 21, 24, 28.

December 1, 5.

Books recommended to be read by Apprentices attending Junior Class Lectures: Anson's Principles of the Law of Contract, Ringwood on Torts.

The Lectures to both Classes will be delivered in the Lecture Theatre, Solicitors' Buildings, Four Courts.

Apprentices desirous of attending either Lecture Class should give notice to the Secretary before 18th October.

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

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Vol. XV, No. 5.]

November, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No 5.] November, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

Ballot for Council.

The ballot for election of Council will be held on Monday, 21st November, from 11 to 1 o'clock, in the Secretary's Office. Voting papers should reach the Secretary not later than one o'clock p.m., on 21st inst.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock p.m., on Monday, 28th November. The chair will be taken at two o'clock p.m.

Meetings of the Council.

October 5th.

26 Members present.

Dublin Civil Bill Courts.

The attention of the Council was drawn to the difficulties under which the profession carry on business in Dublin Civil Bill Courts, owing to the lists of cases to be heard not being issued sufficiently in advance to enable Solicitors to communicate with clients and witnesses to secure their attendance. It was decided to invite a written statement on the subject from the Sessions Bar, and that on receipt of such statement the President should have an interview with the Right Hon. the Recorder.

Arranging Debtors.

A letter was received from a firm of Solicitors stating that they had been disallowed as against the estate of an arranging debtor the costs of a writ issued against the debtor, subsequent to his taking

protection. A reply was directed to be sent stating that the practice of the Court has been to allow in such cases the costs only of writs issued prior to the obtaining of protection.

Government of Ireland Act, 1920.

The following Order in Council made under this Act on 27th September, 1921, was submitted:—

Order fixing the first day of October, 1921, to be the appointed day for the purposes of the provisions of the Act relative to the Supreme Courts of Judicature.

The following Provisional Orders in Council dated 27th September, 1921, were also submitted:—

Supreme Court of Judicature (Southern Ireland) Order, 1921.

Supreme Court of Judicature (Northern Ireland) Order, 1921.

General Adaptation of Enactments (Southern Ireland) Order, 1921.

General Adaptation of Enactments (Northern Ireland) Order, 1921.

October 19th.

27 Members present.

Delay in Valuations of Estates.

A letter was read from the Meath Sessions Bar drawing attention to the difficulty in obtaining certificates of discharge from Crown duties, owing to the delays attendant upon valuations being furnished from the Valuation Office. It was arranged that the President and Vice-Presidents should have an interview with the Valuation Office authorities relative to this matter.

Obituary.

MR. GEORGE J. HOEY, Solicitor, died upon the 19th August, 1921, at Mallaranny, Westport.

Mr. Hoey served his apprenticeship with the late Mr. John T. Hinds, 37 Westmoreland Street, Dublin; was admitted in Hilary Sittings, 1885, and was a member of the firm of Messrs. Hoey and Denning, of 12 Trinity Street, Dublin and Tullamore.

MR. MATTHEW TOBIAS, Solicitor, died upon the 17th September, 1921, at 2 Connaught Place, Clonskeagh, Co. Dublin.

Mr. Tobias served his apprenticeship with the late Mr. Theodore Cronhelm, of Dublin; was admitted in Easter Term, 1871, and practised at 7 Eustace Street, Dublin, up to the year 1917, when he retired. He was for many years the prosecuting Solicitor to the Dublin Metropolitan Police.

MR. WILLIAM J. VENABLES, Solicitor, died upon the 19th October, 1921, at Belfast.

Mr. Venables was apprenticed to the late Mr. Samuel Young, Dungannon; was admitted in Trinity Term, 1877, and practised in partnership with Mr. John Byers, at Cookstown, under the style of Messrs. Venables and Byers.

Legal Appointment.

MR. JOHN BARRY BROWN, Solicitor, a member of the firm of Messrs. Brown and McCann, has been appointed to the office of Clerk of the Crown and Peace for the County of Kildare, in room of Mr. James Whiteside Dane, retired. Mr. Brown was admitted in Trinity Sittings, 1907.

Commissioner to Administer Oaths.

The Lord Chief Justice has appointed the following to be a Commissioner to administer Oaths:—

John P. Collins, Solicitor, 43 and 44 Upper Sackville Street, Dublin.

High Court of Appeal for Ireland.

The following Rules, dated 28th October, 1921, as to Applications pursuant to the Provisions of the Seventh Schedule, Part III. 7 (3) of the Government of Ireland Act, 1920, in reference to transfers of Proceedings have been made by the Lord Chancellor, and have been approved of by the Lords Chief Justices of Southern and Northern Ireland:—

1. Every application to the High Court of Appeal for Ireland, pursuant to the provisions of the Seventh Schedule, Part III. 7 (3) of the Government of Ireland Act, 1920, shall be by motion, on notice to the Plaintiff or other person by whom the proceeding was instituted.

2. Every such application shall, save as hereinafter provided and so far as is practicable, be made in accordance with the procedure and subject to the Orders and Rules which applied prior to the 1st October, 1921, to an application by notice of motion in Court in the Chancery Division of the High Court of Justice in Ireland.

3. The notice referred to in Rule 1 shall be a 14 days' notice, and shall be served upon the Plaintiff or other person by whom the proceeding was instituted not later, save by leave of the Court, than 30 days after the receipt of the notice from such Plaintiff or other person intimating his desire to have the proceeding transferred to the Supreme Court of Northern Ireland, or after the date of these Rules, whichever period be the longer.

4. The notice and any affidavits or other documents filed in connection with such applications shall be entitled in accordance with the form in Appendix A.

5. A reference in the Orders and Rules mentioned in Rule 2 to a Registrar or other proper officer or office shall, so far as is necessary, be deemed to be a reference to the Registrar, or other proper officer or office, for the purpose of these Rules, of the High Court of Appeal for Ireland.

6. A reference in the Orders and Rules mentioned in Rule 2 to the registered place of business of a Solicitor, or to an address for service, shall be deemed to include a registered place of business or an address for service in Belfast.

7. The party making the application shall leave four copies of the Notice of Motion with the Registrar of the High Court of Appeal for Ireland two days at latest before the day mentioned in the notice for hearing the application.

8. The High Court of Appeal for Ireland shall sit in Dublin for hearing such applications.

9. The costs of such applications shall be taxed by the Taxing Master of the Court to which the proceeding is transferred.

APPENDIX A.

HIGH COURT OF APPEAL FOR IRELAND.

In the matter (here state the title of the proceeding).

And in the matter of the Government of Ireland Act, 1920. Seventh Schedule, Part III. 7 (3).

Solicitors' Golfing Society.

A stroke competition was held at Hermitage Golf Club, on Thursday, 29th September. Thirty-six members took out cards. Mr. W. T. Sheridan, with a nett score of 80, was the winner; Mr. R. Simmons and Mr. J. Sheil, with 81 each, tying for second place. Mr. E. W. Mooney won the prize for best gross score with 87.

In the afternoon a foursome sweepstakes was played, and was won by Messrs. Seales and Sheil, 2 down; Messrs. J. A. Denning and J. Moore being second, with 4 down.

Solicitors in Ireland, 1607-1921.

This book, written by Mr. Charles Gamble, President of the Incorporated Law Society of Ireland, and which has been issued recently, contains an interesting account of the Solicitors' profession in Ireland over a period of three centuries, and deals in particular with the work done by the Incorporated Law Society of Ireland since its formation. The price of the book is three shillings and sixpence, by post three shillings and tenpence. It can be had from Messrs. Hodges and Figgis, 21 Nassau Street, Dublin, or from any bookseller.

Examination Results.

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

1. John Ryan.
2. Christopher McGonagle.
3. Kathleen E. S. Donaghy.
4. John D. Fitzgerald.
5. Henry C. Thompson.
6. Dermod Clinch.
7. Joseph M. V. M. McCabe.
8. William H. J. Smith.
9. Henry H. Barry.
- Alexander W. Hughes. } equal.]
- John D. T. Rooney. }
12. John S. MacNeice.
13. Charles J. Robinson.

Denis J. Bergin, Joseph Brazil, Dorothea M. Browne, and Edmund A. Corr passed the modified Preliminary Examination, for which they had liberty to present themselves.

Twenty-two candidates attended: 16 passed; 6 were postponed.

PRELIMINARY EXAMINATIONS AWARDS, 1921.

The Council awarded a Special Certificate to John Ryan.

FINAL EXAMINATION.

At the Final Examination, held on 10th 11th and 12th October, the following passed the examination, and their names are arranged in order of merit:—

1. Christopher T. F. Russell, B.A., N.U.I.
2. John Gillespie.
3. John B. McCann.
4. Rupert H. Giltrap.
5. Richard C. Keohane, B.A., N.U.I.
6. James F. Fitzpatrick.
7. Michael Hearty.
8. Patrick J. Callery.
9. Patrick J. McCrystal.
10. George McDonnell, B.A., N.U.I.
11. Michael J. Spears.

The Council awarded a Gold Medal to Christopher T. F. Russell, B.A., N.U.I.; a Silver Medal to John Gillespie, and a Special Certificate to John B. McCann.

Fifteen candidates attended: 11 passed; 4 were postponed.

At the Intermediate Examination, held upon 11th October, the following passed the examination, and their names are classed and placed in order of merit:—

CLASS I.

1. Vincent D. Kierans.
2. Robert H. Brett.
3. Charles A. Brett.
4. George W. Knight.
5. Morris H. MacGrath.
6. John J. Hannan.
7. Richard G. H. Carter.
8. James V. Brady.

CLASS II.

1. William T. Roe.
2. John W. O'Gorman.
3. Hugh D. G. Hamilton.
4. Stephen M. McAuliffe.
5. John H. J. A. MacDermot.
6. William L. Ryan.

Twenty-eight candidates attended: 14 passed; 14 were postponed.

Scholarships, 1921.

The Findlater Scholarship and the Final Examination Overend Scholarship, were both awarded to Michael Tynan, who obtained first place and was awarded a Gold Medal at the May, 1921, Final Examination. He served his apprenticeship with Mr. Nicholas F. Maher, of Nelson Street, Tipperary.

The Preliminary Examination Overend Scholarship was awarded to John Ryan, who obtained first place and was awarded a Special Certificate at the October, 1921, Preliminary Examination. He is entering into indentures of apprenticeship with Mr. James O'Connor, of 57 Dame Street, Dublin.

New Solicitors.

ADMISSIONS FROM MARCH TO OCTOBER, 1921, INCLUSIVE.

<i>Name.</i>	<i>Served apprenticeship to</i>
Burke, Michael C.	Exempt from apprenticeship, Sec. 29, Solicitors (Ireland) Act, 1898.
Brown, Ronald Henry	Stephen J. Brown, Naas.
Corbett, Patrick	D. A. Quaid, Dublin, and Thomas Noonan, Navan.

<i>Name</i>	<i>Served apprenticeship to</i>
Condell, Herbert W.	Edward Condell, Dublin.
Davidson, Hutchinson Eric	Hutchinson Davidson, Ballinasloe.
Farrell, Richard John	Henry D. Keane, Waterford.
Fitzgerald, William James	John O'Dwyer, Tipperary.
Fyffe, William Henderson	King Houston, Omagh.
Gallagher, Francis	Michael Maguire, Ballyshannon.
Kirwan, Valentine Edmond	James Robinson, Dublin, & Valentine E. Kirwan, Dublin.
McMullin, Vincent P.	Henry T. Gallagher, Strabane.
McLoughlin, T. Desmond	James H. McLoughlin, Dublin.
McSpadden, George	W. G. McSpadden, Rathfriland.
O'Leary, Daniel	Exempt from apprenticeship, Sec. 29, Solicitors (Ireland) Act, 1898.
O'Meara, Barry	David J. O'Meara, Mallow.
Scallan, Francis Elliott	Francis J. Scallan (the late), Dublin, and A. J. Cox, Dublin.
Tynan, Michael	Nicholas F. Maher, Tipperary.
Walsh, John J.	Ignatius J. Rice, Dublin.
Wheeler, John Gordon	Walter L. Wheeler, Belfast.
Williams, Samuel E.	John F. Williams, Dungarvan.

Dates of Examinations, January, 1922.

Final Examination.—Wednesday, Thursday and Friday, January 4, 5 and 6. (Notices of intention to attend to be lodged before 14th December).

Preliminary Examination.—Monday and Tuesday, January 9 and 10. (Notices of intention to attend to be lodged before 17th December).

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

OF

Incorporated Law Society of Ireland.

Vol. XV, No: 6.]

December, 1921:

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 6.]

December, 1921.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

2nd November.

Twenty-three members present.

War Memorial.

The Secretary reported that the entire amount of the cost of the War Memorial had now been subscribed and the account closed.

Northern Law Society.

A letter was read from the Under-Secretary for Ireland sending, by direction of the Lords Justices, copy of a proposed Charter of incorporation, which had been applied for on behalf of the Northern Law Society, and stating that their Excellencies would be glad to be furnished with any observations and specific comments which this Society may desire to make in reference to the proposed Charter. The matter was referred to the Privileges Committee.

Annual Report.

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

16th November.

Twenty-one members present.

Retirement of Members from Council.

The Council passed a resolution expressing deep regret at the retirement from the Council of Mr. W. J. Shannon, Mr. James Henry, and Mr. Arthur E. Bradley, all three past Presidents of the Society, and recording the Council's sense of the valued services rendered by each of them to the Society and to the profession. Mr. Bradley, who was

present, thanked the Council, and it was ordered that the resolution be conveyed to Mr. Shannon and Mr. Henry.

Estate Duty Office.

A letter, in reply, was read from the Principal Clerk, Estate Duty Office, Dublin, stating that it is the intention of the Commissioners of Inland Revenue that all the authority formerly attaching to the office of Registrar of Death Duties shall for the present be exercised by the Principal Clerk.

30th November.

Thirty-one members present.

Extra-Ordinary Members of Council.

The following were elected as Extra-Ordinary Members of the Council from the Northern Law Society:—Mr. S. G. Crymble, Mr. J. Allen, Mr. J. B. McCutcheon, Mr. G. H. Quarry, and Mr. M. H. Turnbull; and the following were elected as Extra-Ordinary Members of the Council from the Southern Law Association:—Mr. A. H. Exham, Mr. F. L. Blake, Mr. J. J. Horgan, Mr. A. Julian, and Mr. P. J. Kavanagh.

Obituary.

MR. WILLIAM C. GILLESPIE, Solicitor, died upon the 14th November, 1921, at Belfast.

Mr. Gillespie was apprenticed to the late Mr. Samuel H. Monroe, Armagh; was admitted in Hilary Sittings, 1889, and practised at Armagh.

MR. JAMES ALEXANDER, Solicitor, died upon the 11th November, 1921, at Quebec.

Mr. Alexander served his apprenticeship with the late Mr. David McGonigal, Belfast; was admitted in Michaelmas Sittings, 1905, and practised at 44 Donegall Street, Belfast.

MR. HENRY T. K. CLAY, Solicitor, died upon the 17th November, 1921, at Dublin.

Mr. Clay served his apprenticeship with Mr. William Deverell, Dublin; was admitted in Hilary Sittings, 1901, and practised at 15 Trinity Street, Dublin, up to 1918, when he retired.

MR. FRANCIS KENNEDY, Solicitor, died upon the 19th November, 1921, at Church Street, Wicklow.

Mr. Kennedy served his apprenticeship with Mr. Norris Goddard, Dublin, and the late Mr. William J. Brett, Dublin; was admitted in Michaelmas Sittings, 1888, and practised at Wicklow.

Appointments.

MR. CHARLES T. BLAIR WHITE has been appointed to the Office of Crown Solicitor for the County Kildare, in room of Mr. Stephen J. Brown, resigned. Mr. White was admitted in Hilary Sittings, 1913.

MR. JAMES D. MITCHELL has been appointed to the Office of Crown Solicitor for the King's County, in room of Mr. Henry F. Brennan, resigned. Mr. Mitchell was admitted in Trinity Sittings, 1903.

Commissioners to Administer Oaths.

The Lord Chief Justice has appointed the following to be Commissioners to administer Oaths:—

Robert I. Archer, Solicitor, 12 Upper Ormond Quay, Dublin.

William J. Doherty, Crown and Peace Office, Mullingar.

New Members.

The following have joined the Society:—

John R. McCarthy, Sligo.

William J. O'Reilly, Sligo.

Valuations for Estate Duty Purposes.

The President and Mr. Edwards, Vice-President, had an interview on the 18th November with Mr. Harriss Firth, the acting Commissioner of Valuation; Mr. Power Steele, the Chief Valuer, also being present. The object of the interview was to discuss with the acting Commissioner complaints received by the Council from members of the profession of the delay which takes place in the issuing by the Inland Revenue authorities of Certificates of Discharge from Crown Duties, caused, as alleged, by the delays in the Valuation Office in the accepting or revising the provisional valuations lodged for probate purposes. The acting Commissioner stated that his whole department had been the subject of a scheme of reorganisation, which he anticipated would come into working effect in about fourteen days from that date. He stated that under the new scheme the Solicitors' profession could count on his returning the valuation to the Estate Duty Office within two or three months of receipt of the papers by his department. He further stated that applications to Solicitors for further information were sometimes not promptly responded to, and that in future, in cases where Solicitors who had been twice applied to for further information, and had failed to reply, the papers would be returned by him to the Estate Duty Office with an intimation that they could not get the information they wanted.

The acting Commissioner requested that it be conveyed to the profession that his officials only valued as experts, and in every instance were prepared to consider the merits of each case, and that where valuations are varied by the Department Solicitors should not regard this as a personal grievance; and further that where the persons concerned are dissatisfied with the valuation it is always open to them to avail of their right of appeal.

Half-yearly General Meeting.

The Half-yearly General Meeting of the Society was held in the Solicitors' Buildings, Four Courts, on Monday the 28th November. The Chair was occupied by Mr. Charles Gamble, President of the Society.

The following members were present:—E. N. Edwards (Vice-President), M. L. Hearn (Vice-President), R. Blair White, W. S. Hayes, A. E. Bradley, James Henry, P. J. Brady, T. G. Quirke, E. H. Burne, J. E. MacDermott, James Moore, Sir J. R. O'Connell, J. H. Walsh, R. G. Warren, J. W. Dyas, Frank Fottrell, W. H. Fry, R. N. Keller, T. F. Monks, A. H. S. Orpen, A. D. Orr, Patrick Rooney, Peter Seales, W. T. Sheridan, A. W. Stirling, Basil Thompson, W. G. Bradley, William Henry, C. P. Wilson, R. A. Andrews, Sir George Roche, C. St. G. Orpen, F. G. Sharpe, H. D. Draper, F. D. Darley, E. S. Lowe, W. J. Ryan, D. A. Quaid, A. Woodcock, E. Condell, O. P. Beater, A. Lloyd-Blood, J. W. Davis, C. Friery, James Robinson, Elliott McNeill, B. M. O'Grady, R. D. Orr, R. Ryan, J. T. Hamerton, S. G. Rutherford, W. S. Barrett, C. Corcoran, S. M. Bell, T. O. Davis, F. S. D. Colquhoun, W. Geoghegan, V. Kennedy, J. P. Collins, F. V. Gordon, E. B. Maguire, F. E. Bermingham, John J. Beatty, Walter Beatty, M. J. O'Farrell, C. G. Stapleton, M. J. O'Neill, C. B. White, W. J. M. Coulter, G. Byrne, P. J. Sheridan, Ivan Howe, E. J. Kenny, A. J. Reddy, Q. W. Kennedy, C. B. W. Boyle, V. F. Kirwan, W. T. O'Sullivan.

THE SECRETARY (Mr. W. G. Wakely) read the notice convening the meeting, also the Minutes of the Half-yearly General Meeting held last May, which were signed by the President, who also signed the audited accounts of the Society for year ending 30th April.

The Secretary read the Report of the Scrutineers of the ballot for Council for year ending 26th November, 1922, which stated that the following had been returned unopposed as Provincial Delegates:—Thomas M. Greer (Ulster), James S. Gaffney (Munster), Michael Buggy (Leinster), and Henry J. Concannon (Connaught); and the

following having obtained the number of votes placed after their names have been elected as the 31 Ordinary Members of the Council:—P. J. Brady, 238; W. S. Hayes, 232; C. G. Gamble, 223; T. G. Quirke, 218; J. W. Richards, 214; E. H. Burne, 213; W. V. Seddall, 212; A. H. S. Orpen, 211; R. G. Warren, 202; J. E. MacDermott, 197; Frank Fottrell, 196; J. H. Walsh, 195; R. Blair White, 193; James Moore, 192; Basil Thompson, 190; Reginald Andrews, 190; E. N. Edwards, 187; W. T. Sheridan, 183; A. D. Orr, 175; Peter Seales, 172; W. Gordon Bradley, 169; T. F. Monks, 168; W. H. Fry, 167; M. L. Hearn, 161; A. W. Stirling, 156; Sir J. O'Connell, 151; J. W. Dyas, 151; R. Nesbitt Keller, 149; William Henry, 145; P. Rooney, 144; C. P. Wilson, 138; and the following to form a supplemental list to fill vacancies:—L. F. Kenny, 128; Hugh Horan, 115; J. H. Callan, 108.

THE PRESIDENT in moving the adoption of the Annual Report of the Council said: I desire to express my regret at the loss which the Council has sustained through the retirement from its ranks of Mr. W. J. Shannon, Mr. James Henry, and Mr. A. E. Bradley, all past Presidents who have each rendered valuable services to the Society. When last I had the privilege of addressing you in general meeting it was at the Society's Half-yearly Meeting last May, and I then ventured to express the hope that within another six months we might see this country of ours on the threshold of settled conditions once more.

I have ever, in public and otherwise, explained that this Society, both in its organisation, functions and objects, is entirely non-political; once more I desire to emphasize that, but to those who are concerned with Ireland's welfare (and who more so than the professions and especially the legal community) cannot be expected under the wholly unprecedented and exceptional circumstances of present day national life to remain entirely tongue-tied. I pointed out at the last Meeting how closely in touch with the rest of the population the Solicitors' profession are, and I exhorted them throughout the country to use their influence in the cause of peace, prosperity and goodwill.

The conference which has since opened, probably the most unique and the most criticised of its kind in our history, we in common with the rest of the community are watching with much concern and anxiety, and I am sure I voice the sentiments of the profession I represent in expressing the most earnest hope that every national blessing and welfare may result therefrom.

While I refrain from colouring my discourse with any direct political references, I do most earnestly plead that not only in the present juncture when everything should remain in *statu quo*, but that more particularly when under our re-organised national affairs we make a fresh start entrusted with control of our own affairs, the importance to the public of preserving the integrity, status, and qualifications of the legal professions who have been for centuries labouring amongst us may be fully realised, and that a profession by virtue of whose work, regardless of creed, politics and class, the property and rights of families and individuals throughout the country have been protected, settled and adjusted, may be fully recognised and maintained, as an essential to the fabric and stability of any civilised community.

In fairness to those gentlemen who have expended time and money and passed high educational tests to become members of the legal profession, nothing should be done to injure the prestige of their position or to interfere with or discount the dignity of their work.

Whatever be the eventual form of Government or constituted authority in this country, or the mode of electing representatives, the Solicitors may be depended upon to assist and loyally support it in every way as a section of the community who are wedded to the country and concerned in its prosperity and in the maintainance of its legally constituted institutions.

Since last Meeting I have to record with much regret the death of many members, amongst others Mr. Alexander Chisholm Cameron, a Solicitor who in his time accomplished an enormous amount of work, and who, in connection with our legal Charity the Solicitors' Benevolent Association, was a most generous supporter, his generosity has been testified to at the Meetings of that Society.

I have also to record the death of other members:—

Mr. John Kelso Reid, of Londonderry.

Mr. George Wheeler, of Dublin.

Mr. John Wilson, of Longford.

Mr. Daniel Moon of the county of Londonderry.

Mr. Robert Dickie, of Dundalk.

Mr. Patrick Kent, of Waterford.

Mr. Florence McCarthy, of Cork.

Mr. David Higgins, of Clonmel.

Mr. George Hoey, of Tullamore.

Mr. Mathew Tobias, for a long time Prosecuting Solicitor to the Dublin Metropolitan Police, and a familiar figure in the Dublin Police Courts up to a few years ago.

Mr. William Venables, of Cookstown, and Mr. Francis Kennedy of Wicklow, who was a popular figure in sporting and athletic circles.

In regard to appointments, Mr. Barry Browne, a son of our old colleague Mr. Stephen Browne of Naas, has been appointed to be Clerk of the Crown and Peace for the County of Kildare in the place of Mr. White-side Dane, D.L. (retired), and Mr. C. Blair White, son of my immediate predecessor in office, has been appointed Crown Solicitor for County Kildare.

There have been high judicial changes, and in official circles at the Courts.

We send our greetings to Lord Glenavy, and are assured that he will always maintain the same feelings of goodwill towards us as a profession which marked his period of judicial office, and more especially while he was Lord Chancellor. We would, however, like to see such abilities as his recognised by the State as a live national asset and properly utilized. An Irishman of his gifts and tolerant sympathies must not be allowed to drift into a life of leisure but continue to identify himself with the interests of the community with which he has been so long identified, and we hope he will not hesitate to embrace the opportunities that may be offered of enabling him to take an important part in public and business activities of our City and County.

I have already on a public occasion on behalf of the Solicitors greeted his successor, Sir John Ross, as Lord Chancellor. For many years the Solicitors' profession have

enjoyed extensive audience before him in the Land Judges Court, and no section of the community is better acquainted with the gigantic task which Sir John Ross with untiring energy accomplished in that Court in overcoming the huge arrears and disposing of all the unsold estates in respect of which proceedings were pending in that Court. An historical record of judicial activity and achievement. With the winding up of the business of that Court we are pleased to think of him as occupying the highest judicial position in the Country.

Exactly a fortnight after our last General Meeting the Custom House—for a century past the centre and scene of many of our professional activities—was destroyed.

With the passing of this classic edifice and the manifold activities carried on therein, was involved the destruction of all records relating to the various classes of Crown Duties affecting the landed and other property of this country, and concerning the devolution of these lands and property during the past century, a loss which has imposed on us as a profession additional work, complication and responsibilities. Many of these records can only be reconstructed from the records in Solicitors' offices, and when it is remembered that in the transfer and conveyancing of all landed and house property the first inquiry on title for the protection of the purchaser is to be satisfied that no unpaid claims for Duty attach to the property sold, it can be readily appreciated what a block was threatened to all sales and transfer of property in this country, for of course no purchaser could contemplate taking over any property with a potential claim for unpaid Duties affecting it, while at the moment all evidence of discharge was destroyed. All pending land purchase sales and all private transactions were affected.

Special provisions, however, were introduced into the Finance Act of the current year, and by the courtesy of the Registrar of Estate Duties, your Council were afforded an opportunity of considering these sections in draft, and of making suggestions thereon.

These provisions have enabled a Court such as the Land Commission, in which any sale was in process, to distribute the proceeds of sale without making any reserve or pro-

vision for payment of Crown Duties chargeable in respect thereof.

This dispensed with an essential preliminary to the distribution of purchase money on most sales, the obtaining of a Certificate that there were no unsatisfied claims for Duty, and removed the threatened obstacle to all land purchase and other sales. It was provided, however, that the Commissioners of Inland Revenue be empowered to call for and require evidence and particulars for replacement of destroyed documents from any person claiming to have discharged Duties or to be entitled to a Certificate of Discharge therefrom, and that they should satisfy the Commissioners such liability had been duly discharged by the production of evidence by way of affidavit or otherwise as might be available, and that remuneration for the extra work involved in complying with their requirements and production of such evidence should be defrayed by the Commissioners of Inland Revenue.

The Council suggested that the power of disposing of the proceeds of sales without regard to outstanding claims for Duties, might be extended to all private transfers of property, but the Commissioners of Inland Revenue could not see their way to accept this suggestion:

In the interests of the public, however, I am able to say that no additional burden was imposed on them as the State accepted responsibility for the additional cost and expenses involved.

I take this opportunity of giving public expression to the extremely satisfactory manner in which the work of the Estate Duty Department has always been carried out, and to the efficiency and courtesy of the Registrar of that Department and of his staff in their relations with the Solicitors' profession. A tribute is due to the rapidity with which the Department was resuscitated and put in working order—a great feat of organizing ability and official grit.

Regarding the Land Purchase Bill I said all I had to say at the last Half-yearly Meeting. Nothing has since occurred to call for further comment. Several spasmodic efforts have been made to stimulate the subject but without definite result.

I have referred to changes in the Officials at the Courts.

Since we last met many of the principal Officials of the Law Courts, with whom we have been associated in our professional work for years past, have retired. These retirements comprise quite a long list of names ranging over most of the Courts from the Appeal Court, Master of the Rolls Court, Lunacy Offices, King's Bench Division, Probate Offices, Land Judges, Receiver Office, Record and Writ Office, Registration of Title and Deeds, and it would be invidious to single out any particular name for special reference or eulogy. The Solicitors, however, through me, express to these gentlemen their appreciation of official courtesy, help and attention during a long official association, and a sense of the loss both to the public service and in their professional duties which the retirement of these gentlemen entails. At the same time, in bidding good-bye and God speed to old official friends I take the opportunity of welcoming the successors to such of these positions as have been filled, and who, coming from the ranks of the law, are not strangers to us, and I express the hope that they may fulfil as worthily as their predecessors their duties to all concerned in the discharge of their important Official duties, and assure them of the support and goodwill of the Solicitors in their new responsibilities and promotion. I have received letters from many of them, and it was a great satisfaction to me to note the testimony paid by them to the work of our Law Clerks and staffs of Solicitors' offices with whom they came in contact, and which will be gratifying to that body.

The 1st of October marked a legal cataclysm in this country in its division into two separate legal jurisdictions and that too in a country the legal business of which had for centuries been hitherto efficiently administered under one.

The Council made official protest against it, and endeavoured by amendments to the Bill to retain the whole country under one jurisdiction, but without avail.

The setting up of the Northern jurisdiction has taken from amongst us some of those men most appreciated in our local legal life.

Mr. Denis Henry, as Lord Chief Justice, and Mr. Justice Moore, as a Lord Justice, have elected to go North. They came from it, and who shall say that when, as we lawyers

express it, they were "put to their election" they can be blamed for their choice, however much we may regret it. They were sufficiently long amongst us to inspire in us a very high sense of respect and regard, and a feeling of regret at their departure from amongst us.

To Mr. James Andrews, who at the Bar had earned our complete confidence, and who is promoted to be a Lord Justice of Appeal in Northern Ireland, we send both our greetings and regrets. We felicitate him on his promotion—we deplore the loss of his genial personality and skilful advocacy.

If I were to indulge in dreams of the unification of jurisdiction once more in this country, I would be accused of becoming political—suffice it that we in the South are not attracted by a system which has deprived us of men like these. This, however, is a personal note and by the way. From larger and professional standpoints, however, this division of jurisdiction is full of difficulty and affords no guarantee of increased efficiency.

I do not labour the subject on this occasion more than to say that I deplore this partition as a great blow to the legal profession, and opposed to that unity which, in any phase of national life, especially in a small country, whether political, professional, commercial or otherwise, stands for strength, national stability and efficiency, and much will depend on keeping the rules and procedure in both jurisdictions identical.

The ladies have now invaded, or are attempting to invade, our profession under their new statutory privilege, and there are already several lady apprentices in process of qualification.

Our apprentices continue to be a care of the Society, and more especially of the Committee responsible for educational matters. The Apprentices' Debating Society has held fourteen meetings during the year. They have the use of premises for holding their meetings given by the Society, which also financially assists it, and for impromptu speeches, oratory and legal debate, gold and silver medals are awarded to encourage attention to these important items of legal education.

I commend to each Solicitor who may happen to have an apprentice in his office,

the expediency of seeing that when in Dublin, he or she, as the case may be, joins and attends this Debating Society, as I regard it essential from an educational point of view.

In conclusion, I would like to quote to you from a letter I received from Mr. Justice Gibson—a great Judge—on the occasion of his recent retirement:—"I have ever cherished a warm and attached interest in your branch of our profession, its welfare, and dignity, and I trust that whatever may betide, it will continue to maintain and uphold its high position, enjoying as happily hitherto it has always done, public confidence and respect."

I reciprocate most earnestly this eloquent tribute of the learned Judge, and bequeath his words to you as a watchword for your future.

Above all, I implore of you to be cheerful and optimistic of the future of our country, to discountenance the pessimistic exodus that has marked the past year; to lend all your goodwill, sympathy and energies to help in the task of reconstruction, and encourage the promotion of a full and enlightened spirit of toleration.

Better days are before us, conciliation and diplomacy are the proper weapons for settlement of National disputes, and the true discipline and self respect of National life must and will assert itself and prevail.

MR. EDWARDS, Vice-President, seconded the adoption of the Annual Report.

MR. QUAID thanked the Council for the attention they had given to the reference from the Half-yearly Meeting of last May on the subject of the intervention of the Crown in actions brought against persons for acts done in their judicial capacity.

MR. LLOYD-BLOOD, and MR. JAMES BRADY having spoken, the Annual Report was adopted.

MR. LLOYD-BLOOD, with the consent of the meeting moved and MR. C. P. WILSON, seconded the following resolution, which was passed:—"That the grateful thanks of the Incorporated Law Society, of Ireland, this

day, assembled at their Half-yearly General Meeting, are due and are hereby tendered to William J. Shannon, President of the Society, 1908-9, James Henry, President of the Society 1912-13, and Arthur E. Bradley, President of the Society 1914-15, on their retirement from the Council of this Society, for the long and valuable services rendered by them, one and all, to the Society, while serving on the Council, and this meeting hereby records their sincere appreciation and great regret on their retirement."

MR. QUAID, pursuant to notice, moved the following resolution:—"That the Council of the Society do make an immediate representation to the Executive Government that the provisions of the Colonial Solicitors' Act be so extended as to reciprocally operate between Ireland and Great Britain.

MR. E. B. MAGUIRE, seconded the resolution which was supported by MR. GEOGHEGAN.

MR. W. S. HAYES pointed out the difficulties in the way of accomplishing by the resolution what was sought to be effected, and suggested a resolution in the following terms:—"That the question of reciprocity between the Solicitors' professions in England and Ireland be referred to the Council for consideration, and that the Council do report to the May Meeting of the Society, or earlier if it be desirable."

MR. QUAID, withdrew his resolution, and that suggested by Mr. Hayes was adopted.

Mr. Edwards, V.P., having taken the chair, SIR GEORGE ROCHE moved and Mr. James Henry seconded a hearty vote of thanks to the President which was passed and the President returned thanks.

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

OF

Incorporated Law Society of Ireland.

Vol. XV, No. 7.]

January, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 7.]

January, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

7th December.

Twenty-nine Members present.

Election of President and Vice-Presidents.

The Council elected Mr. Patrick J. Brady to be President of the Society, and Mr. Alexander D. Orr and Mr. Joseph W. Dyas to be Vice-Presidents of the Society for the ensuing twelve months.

Labourers Acts.

A letter was read from a country member stating that as no Taxing Officer had been appointed under the Labourers (Ireland) Order, 1914, in succession to the late Mr. E. F. McHugh, Solicitor; he was unable to have costs taxed which were due to him for work done under the Labourers Acts. It was resolved to request the Local Government to make an appointment.

General Meeting Resolution.

The resolution passed at the Half-yearly General Meeting on the subject of reciprocity of admission to the profession between England and Ireland was referred to the Privileges Committee.

14th December.

Thirty-one Members present.

Council of Law Reporting.

The Council appointed Mr. James Moore as a representative on the Council of Law Reporting, in room of Mr. James Henry, who has retired from the Council of this Society.

Statutory Committee.

The Secretary reported that the Lord Chief Justice had appointed the following members of the Council to be the Statutory Committee for the year ending 26th November, 1922:—Mr. Brady, Mr. Gamble, Mr. MacDermott, Mr. Quirke, Mr. Seddall, Mr. Warren and Mr. White.

The President.

Mr. Patrick J. Brady, who was elected President of the Society on 7th December, served his apprenticeship to the late Sir Patrick Maxwell, a former President of the Society, and was admitted in Hilary Sittings, 1893, and has been a member of the Council since 1910. From 1910-18 he represented Saint Stephen's Green Division of the City of Dublin in Parliament, and in that capacity rendered many valuable services to the Society and to the profession. Mr. Brady is a Director of the Midland Great Western Railway Company and of the Hibernian Bank.

Solicitors' Annual Certificates.

Members are reminded that their Annual Certificates for the year ending 5th January, 1923, should be taken out and the duties paid thereon before the 6th February, 1922.

Obituary.

MR. CHARLES F. MATHEWS, Solicitor, died upon the 6th December, 1921, at his residence, White Lodge, Bushy Park Road, Rathgar, County Dublin.

Mr. Mathews served his apprenticeship with Mr. William S. Hayes, Dublin, and Mr. Thomas P. Mathews, Dublin; was admitted in Easter Sittings, 1892, and practised at 38 Dame Street, Dublin.

Honourable Distinction.

Amongst the New Year Honours is that of a Knighthood conferred on Mr. James Mecredy, M.A., LL.D., Solicitor, a member of the firm of Messrs. T. T. Mecredy and Sons, 91 Merrion Square, Dublin. Mr. Mecredy was admitted a Solicitor in Hilary Sittings, 1878; he was subsequently called to the English Bar, and in the year 1910 he resumed practice as a Solicitor in Ireland. Mr. Mecredy is Solicitor to the Local Government Board for Ireland.

Legal Appointments.

Mr. Henry Powell Bridge of Roscrea, and 5 Clare Street, Dublin, has been appointed Crown and Sessional Crown Solicitor for County Tipperary, in room of Mr. Michael Gleeson, resigned.

Labourers (Ireland) Acts.

The Local Government Board for Ireland have appointed Sir James Mecredy, Solicitor, 91 Merrion Square, Dublin, to act as Taxing Officer for Southern Ireland for the purposes

of the rule substituted by the Labourers (Ireland) Order, 1914, for Rule 52 of the Labourers (Ireland) Order, 1912.

Commissioners to Administer Oaths.

The Lord Chief Justice has appointed the following to be Commissioners to administer Oaths:—

John P. Collins, Solicitor, 43 & 44 Lower Sackville Street, Dublin.

Alfred W. Glover, Solicitor, 20 Wicklow Street, Dublin.

Charles J. Reddy, Solicitor, 14 Westland Row, Dublin.

John Skehan, Clerk to Town Commissioners, Fethard, Co. Tipperary.

New Member.

The following has joined the Society:—

Patrick J. McCrystal, Mullingar.

Courts (Emergency Powers) Act, 1914.

Section 2 (4) of the above Act provides that "His Majesty may, by Order in Council, at any time determine the operation of this Act, or provide that this Act shall have effect subject to such limitations as may be contained in the Order; but, subject to the operation of any such Order in Council, this Act shall have effect during the continuance of the present war, and for a period of six months thereafter."

By Order in Council, made on the 10th August, 1921, under the Termination of the Present War (Definition) Act, 1918, and published in the *Dublin Gazette* of 16th August, 1921, it was ordered that the 31st day of August, 1921, shall be treated as the date of the termination of the present War.

Recent Legal Decision.

KING'S BENCH DIVISION (ENGLAND).
(Before Horridge and Sherman, JJ.)

Peizer v. Federman.

Oct. 27, 1921.—*Increase of Rent and Mortgage Interest (Restrictions) Act, 1920—Notice to increase rent—No notice to quit preceding or accompanying it—Notice to quit given later.*

This was an appeal from the Whitechapel County Court. The plaintiff was the landlord of a dwellinghouse of which the defendant was tenant on a verbal weekly tenancy at the standard rent of £2 per week. On July 12, 1920, plaintiff's agent served on defendant a notice to increase the rent by 6s. 10d. at expiry of one week, and by 18s. 6d. at the expiry of four weeks. According to the evidence of the agent he orally informed the defendant at the time of serving the notice "that if he did not pay the increases from the dates named, he would have to go out." The Judge found that this was not a valid notice to quit. The defendant paid the increased rent up to December, 1920. On 23rd December, 1920, a valid notice to quit was served by the plaintiff, but no fresh notice to increase rent. The defendant remained in possession, but paid no rent after December, 1920.

In an action by plaintiff for 22 weeks' rent from 1st January, 1921, at £2 18s. 6d. per week, the defendant alleged (a) that the rate from 1st January, should be only £2 a week; (b) that he was entitled to deduct the amount overpaid from July to December; (c) that there were other deductions (not disputed) for rates and taxes; and that on this basis plaintiff was indebted to him in the sum of £11 14s. 6d.

The County Court Judge gave judgment for defendant on claim and counterclaim. He held that the notice of increase served in July, 1920, was not a valid notice, no notice to quit having preceded or accompanied it, and that as the notice of increase was thus invalid when given, no subsequent notice to quit could make the notice of increase already served valid.

The Court, upon the findings of the County Court Judge, dismissed the appeal.

(Reported *T.L.R.*, November 18, 1921.)

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THE GAZETTE

OF

Incorporated Law Society of Ireland.

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February, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 8.]

February, 1922.

FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

2nd January. Special Meeting.

Twenty-four Members present.

The following resolution was adopted, and copies directed to be sent to Mr. de Valera, Mr. A. Griffith and Mr. E. J. Duggan:—

"We, the Council of the Incorporated Law Society of Ireland, recognising the injury done to the material well-being of the community by public uncertainty and consequent disquietude, do hereby express an earnest hope that the deliberations of the Irish Representatives may result in a decision bringing peace to our country, so that without delay the work of construction may begin, and every citizen be free to take his part in building up the prosperity of the country on which the true interests of the legal profession must always be based."

25th January.

Twenty-six Members present.

Provisional Government.

A resolution was passed expressing the congratulations of the Council to Messrs. Duggan, Hogan and O'Higgins on their inclusion in the Cabinet of the Provisional Government.

Death of Mr Quarry.

A resolution was passed expressing the regret of the Council at the death of their colleague, Mr. George H. Quarry, of Belfast, and conveying to Mrs. Quarry the sympathy of the Council in her bereavement.

Examinations.

The report of the Court of Examiners on the results of the Preliminary and Final Examinations was adopted.

Appointments.

Mr. Edmund J. Duggan, Solicitor, of 66 Dame Street, Dublin, has been appointed Minister of Home Affairs in the Provisional Government.

Mr. Patrick Hogan, Solicitor, of Loughrea, Co. Galway, has been appointed Minister of Agriculture in the Provisional Government.

Mr. Kevin O'Higgins, who has served his apprenticeship with a view to becoming a Solicitor, has been appointed Minister of Economics in the Provisional Government.

Obituary.

MR. GEORGE H. QUARRY, Solicitor, died upon the 12th January, 1922, at his residence, Spafield, Holywood, Co. Down. He served his apprenticeship with the late Mr. William Johns, Belfast; was admitted in Hilary Sittings, 1885, and practised at 2 Garfield

Street, Belfast. Mr. Quarry had been a Representative of the Northern Law Society on the Council of the Incorporated Law Society of Ireland for the past eight years, and was President of the Northern Law Society during the years 1915-17.

MR. JOHN M. ROSS TODD, Solicitor, died upon the 19th January, 1922, at his residence, 49 North Great George's Street, Dublin.

Mr. Todd served his apprenticeship with his father, the late Mr. Robert Ross Todd, 10 Suffolk Street, Dublin, and practised at 7 Dawson Street, Dublin, in partnership with Mr. Thomas Toye, under the style of Messrs. J. M. Ross Todd & Co.

Commissioner to Administer Oaths.

The Lord Chief Justice has appointed the following to be a Commissioner to administer Oaths :—

Helena M. Early, Solicitor's Apprentice,
16 Henry Street, Dublin.

New Members.

The following joined the Society during January :—

Timothy C. Crinion, Navan.
Francis E. Fetherstonhaugh, 22 Kildare Street, Dublin.
Michael Hearty, Dundalk.
Richard C. Keohane, 16 Parnell Square, Dublin.

Southern Ireland Assizes.

The Spring Assizes Circuits for Southern Ireland will not go out in the month of March.

Northern Ireland Assizes.

The Spring Assizes Circuit for Northern Ireland will go out on 2nd March, 1922, and Assizes will be held for the following Counties :—County of Antrim, at Belfast, Thursday, March 2nd, at 12 noon ; Down, at Downpatrick, Friday, March 3rd, at 12

noon ; Armagh, at Armagh, Thursday, March 9th, at 1 o'clock ; Fermanagh, at Enniskillen, Monday, March 13th, at 11 o'clock ; Tyrone, at Omagh, Wednesday, March 15th, at 11 o'clock ; Londonderry, at Derry, Monday, March 20th, at 11.30 ; City of Londonderry, at Derry, Thursday, March 23rd, at 10.30 o'clock.

The Judges will be the Lord Chief Justice of Northern Ireland, and Mr. Justice Wilson. The Registrars are Mr. A. P. Henry, Barrister-at-Law, Tyrone House, Malone Road, Belfast ; and Mr. Jas. W. Harrison, Barrister-at-Law, 5 Queen's Elms, Belfast.

Indemnity Act, 1920.

The following notice has been issued in reference to claims under the above Act :—

WAR COMPENSATION COURT.

Notice is hereby given that under Section 2 (1) (ii) of the Indemnity Act, 1920, the War Compensation Court will not be able to entertain any claim which has not been lodged on the form prescribed by the Court, in original with the Department of State responsible for the interference alleged and a copy with the Court, by the 31st August, 1922, unless the transaction giving rise to the claim takes place after the 31st August, 1921, in which event the claim may be lodged as above stated within one year from the date of the transaction.

D. DUB. DAVIDSON,
Secretary.

Winchester House,
21 St. James's Square, S.W. 1.

Criminal and Malicious Injuries.

The following notice has been published in the Press :—

RIALTAS SEALADACH NA hEIREANN
(IRISH PROVISIONAL GOVERNMENT).

PUBLIC NOTICE.

CRIMINAL AND MALICIOUS INJURY CLAIMS.

Notice is hereby given that :
(1) All persons who have obtained decrees,

whether in the High Courts or County Courts, pursuant to the provisions of Section 5 of the Local Government (Ireland) Act, 1898, and the Criminal Injuries (Ireland) Acts of 1919 and 1920, shall lodge notices of such decrees with the Secretary of the County Council in which the damage occurred, before the 1st day of April next ensuing.

(2) All persons who have lodged claims for damages, pursuant to the provisions of the said Acts, on which claims judgment has not yet been delivered, shall file such claims with the Secretary of the County Council in which the damage occurred, before the 1st day of April next ensuing.

(3) All persons who have suffered damages in respect of which claims may be made, pursuant to the provisions of the said Acts, but who have not yet lodged any claims, shall lodge notice of such claims with the Secretary of the County Council in which the damage occurred, before the 1st day of April next ensuing.

Dated this 20th day of January, 1922.

DIARMUID O hEIGCEARTUIGH,
Secretary to the Provisional
Government.

Results of Examinations.

PRELIMINARY EXAMINATION.

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

1. John H. Bergin.
2. Gerald C. Redmond.
3. Carter S. Draper.

Leopold J. Jameson, James Tanham and William J. Warren have passed the modified Preliminary Examination for which they had liberty to present themselves.

Seven candidates attended: six passed; one was postponed.

FINAL EXAMINATION.

At the Final Examination, held on 4th, 5th and 6th January, the following passed

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

1. Joseph Kearney, B.A., N.U.I.
2. John Dorman.
3. John J. O'Donnell, B.A., N.U.I.
4. James J. F. Lawlor.
5. William T. White.
6. Edward J. Ryan.
7. Thomas R. T. Callan, B.A., T.C.D.
8. Patrick M. Cullen.
9. Joseph J. Tallon.

The Council awarded Special Certificates to Joseph Kearney, B.A., N.U.I., and John Dorman.

Twelve candidates attended: nine passed; three were postponed.

High Court Sittings, 1922.

Hilary Sittings terminate on Thursday, 6th April. Easter Sittings commence on Thursday, 20th April, and terminate on Wednesday, 24th May. Trinity Sittings commence on Wednesday, 7th June, and terminate on Monday, 31st July.

Calendar and Law Directory.

The Society's Calendar and Law Directory for 1922 can be obtained in the Secretary's Office. Price five shillings; by post, five shillings and sixpence.

New Solicitors.

Admissions during November and December, 1921, and January, 1922:—

Name	Served Apprenticeship to
Callery, Patrick J.	B. J. Goff, Elphin
Fitzpatrick, James Francis	J. W. Bell, Downpatrick
Gillespie, John	David Wilson, Raphoe
Hearty, Michael	L. J. O'Reilly, Dublin, & E. Phelan, Dundalk
Keohane, Richard C.	Charles Daly, Dublin
McCrystal, Patk. Joseph	E. E. Mason, Mullingar
McGrath, John	T. J. Deering, Dublin
Russell, Christopher T. F.	Maurice Healy, Cork
Thorp, George	C. H. Thorp, Bagenalstown

Legal Decisions.

CHANCERY DIVISION.

(Before POWELL, J.)

In re THE RATHMINES AND RATHGAR IMPROVEMENT COMMISSIONERS and FIELD. 1921, July 5.—Solicitor—Costs—Taxation—“Drawing documents”—Case for opinion of Counsel—General Order under Solicitors’ Remuneration Act, 1881, Schedule II.

“Drawing a case for counsel in contemplation of litigation comes within the expression: “drawing . . . other documents” in Schedule II. of the General Order, 1884, made in pursuance of the Solicitors’ Remuneration Act, 1881, and is properly charged for, at 2s. a folio, *In re Mahon* [1893] 1 ch., 507, and *In re Morgan* [1915] 1 ch., 182, followed.

Summons to review taxation.

Alexander Field lodged objections to the Taxing Master’s partial disallowance of certain items in a bill of costs. The objections were in respect of items 24 and 26, which dealt with a case submitted to Counsel to advise on the construction of a Will under which certain property in question in this matter was disposed of. Alexander Field’s contention before the Taxing Master was that the items in question came within Schedule II. of the General Order, 1884, made in pursuance of the Solicitors Remuneration Act, 1881. It was submitted that the case for the opinion of Counsel represented by the items was an ordinary case, and that the Solicitors were entitled to charge two shillings per folio for drawing the case and eightpence per folio for engrossing the same, and the case not being an extraordinary case within the meaning of the Schedule, the Taxing Master had no discretionary power to increase or diminish the authorised charge.

The ruling of the Taxing Master on the objections was as follows:—“I overrule the objections, as, in my opinion, I am bound by the decision of the Master of the Rolls in *In re O’Hagan*. Were it not for this decision, I would, having regard to the changed practice of the Taxing Masters in England, and the decisions hereinafter referred to, be disposed to allow the fee as

charged. The case for Counsel charged for is one carefully drawn, dealing with conveyancing and questions of title and, in my opinion, requiring considerable skill and attention. It has been pressed on me that *In re O’Hagan* has from time to time been differed from both by Judges in this country and in England, and I was referred to the following cases:—In Ireland, *Todd and Mark v. McKindy*, in which the late Chief Baron held that conditions of sale were chargeable for under Schedule II. It appears from the correspondence the Master of the Rolls had with the Taxing Masters in England that it was their practice at that time to tax costs of cases for Counsel under the old Schedule, and not under Schedule II., but after the decision of *In re Mahon* they changed their practice, and they from that date have taxed the costs of cases for Counsel under Schedule II. This practice has been approved of by Mr. Justice Neville as late as 1914 in *In re R. P. Morgan and Co.*”

Powell, J.—It appears from the cases cited in the Taxing Master’s ruling that the practice in England has been completely changed by the two decisions *In re Mahon* and *In re R. P. Morgan and Co.* In the latter case Neville, J., a most careful Judge, held that drawing a case for Counsel in contemplation of litigation comes within the expression “other business” in Rule 2. of the General Order, Solicitors Remuneration Act, 1881, and, being a “document” within Schedule II. thereto, was properly charged for at 2/- a folio. I am bound to say that I agree with him. I am glad to be able to follow the later decisions. In my opinion a case to Counsel is a “document.” It is often the most important document in the whole gamut of the litigation for the client, and I think that Solicitors should be fairly remunerated. That is my own view, and having regard to the later decisions and the change of practice in England, I am of opinion that the ruling of the Taxing Master should be overruled.

(Reported, 1922, 1 *I. R.*, page 13.)

[NOTE.—In accordance with the above decision the charge for drawing case to Counsel would be at the rate of 3/- per folio, and 1/- per folio for engrossing same, where the work has been done since the

1st day of January, 1920, pursuant to the General Orders under the Solicitors Remuneration Act of 16th April, 1884, and 17th May, 1920, and these charges are now allowed at those rates on taxation.]

KING'S BENCH DIVISION (ENGLAND).

(Before LUSH, J.)

La Roche v. Armstrong.

Jan. 19, 1922.—*Solicitor and Client—Evidence—Letters marked "without prejudice"—Negotiations for settlement—Sum of money handed by client to Solicitor—Claim by Third Party against Solicitor—Admissibility of letters—Verbal admission by client—Admissibility—Protection of Solicitor—Implied trust.*

On the 23rd March, 1920, the plaintiff's son died abroad. For some time previously the deceased had been engaged to be married to Miss B. Shortly before his death the deceased had sent to Miss B. in London £200, and it was alleged by the plaintiff, who sued as administrator of his son's estate, that this money was sent to her for the purpose of furnishing a flat for their occupation after their intended marriage. The plaintiff accordingly claimed that the money remained the property of the deceased, and that Miss B. held it as part of the estate of the deceased in trust for and as money received to the use of the plaintiff as administrator of the estate of his deceased son. On the other hand, Miss B. alleged that the money was given to her for her personal use, and

she handed part of the money to her Solicitor, who was the defendant in the action. Certain letters were written by the defendant as Miss B.'s Solicitor to the plaintiff's Solicitors. The letters were marked "without prejudice," and one of them contained an offer on behalf of his client to pay over to the plaintiff the balance of the £200 which she had received from the deceased, and stating that the balance in her hands was now £115, and another contained an admission that Miss B. had handed over to the defendant the £115. It was sought on behalf of the plaintiff to put these letters in evidence as well as certain verbal admissions which had been made by the defendant's client in the absence of the defendant, with regard to how she had received and dealt with the money.

Held, that the general principle with regard to letters written "without prejudice" applied just as much for the protection of the Solicitor as for his client, and that neither the letters nor the verbal admissions of the client made in the absence of her Solicitor were admissible against the Solicitor in the circumstance of this case.

(Reported *The Law Times*, Feb. 4, 1922.)

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THE GAZETTE

OF

Incorporated Law Society of Ireland.

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March, 1922.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 9.]

March, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

22nd February.

Thirty Members present.

Death of Mr. W. B. Stanley.

A resolution was passed expressing the regret of the Council at the death of Mr. W. Burroughs Stanley, a past President of the Society, and expressing sympathy with Mrs. Stanley in her bereavement.

Death of Mrs. Franks.

A resolution was passed expressing the sympathy of the Council with Mr. Thomas C. Franks, a past President of the Society in his bereavement through the death of his wife.

Treasury Grant.

A correspondence with the Treasury in reference to payment to the Society of the annual grant-in-aid was submitted, and directions given as to further letter to be written to the Treasury.

Applications by Law Clerks.

Reports were submitted from the Court of Examiners on applications of four Law Clerks for leave to be bound under Section 16. Two of the applications were granted, and two were refused.

Costs Query.

A report from the Costs Committee upon the following query was submitted, and the reply of the Committee was adopted:— How should the costs be drawn of a lease of licensed premises in the City of Dublin for the term of twenty-one years, in consideration of premium of £60, and yearly rent of £50, clear of all rates and taxes. The poor law valuation of premises is £28?

The reply of the Committee was that the costs should be drawn under Schedule I., Part II., Table 1, of the General Order of 16th April, 1884, made under the Solicitors Remuneration Act, as amended by the General Order of 17th May, 1920.

Obituary.

MR. MATTHEW D. MCCOY, Solicitor, died upon the 1st February, 1922, at Dublin.

Mr. McCoy served his apprenticeship with the late Mr. John Ryan, Limerick; was admitted in Hilary Sittings, 1892, and practised at Limerick under the style of Messrs. Ryan and McCoy.

MR. W. BURROUGHS STANLEY, Solicitor, died upon the 8th February, 1922, at his residence, Caerleon, Killiney, County Dublin.

Mr. Stanley served his apprenticeship with the late Mr. Hugh B. Stanley, Dublin; was admitted in Michaelmas Term, 1870, and practised at 59 Dawson Street, Dublin, in partnership with Mr. William McFerran and Mr. Wm. H. Roper, under the style of Messrs.

H. & W. Stanley, up to the year 1916, when he retired.

Mr. Stanley was a member of the Council of the Society from 1882 to 1894, and was President of the Society for the year 1889-90.

MR. DAVID A. QUAID, Solicitor, died upon the 23rd February, 1922, at Dublin.

Mr. Quaid served his apprenticeship with the late Mr. John F. Harkan, Dublin, and the late Mr. Frederick Kennedy, Dublin; was admitted in Michaelmas Sittings, 1898, and practised at 9 Eustace Street, Dublin.

MAJOR FREDERICK A. CUNNINGHAM, Solicitor, died upon the 27th February, 1922, at South Hill Lodge, Harrow-on-the-Hill.

Major Cunningham served his apprenticeship with the late Mr. Edward O'R. Dickey, Belfast; was admitted in Trinity Sittings, 1890, and practised at Belfast, under the style of Messrs. Cunningham and Dickey, up to the year 1912, when he retired.

Commissioners to Administer Oaths.

The Lord Chief Justice of Ireland has appointed the following to be Commissioners to administer Oaths:—

Robert Mullen, Law Clerk, Sligo.
Maurice P. Riordan, Shipping Agent,
Limerick.

The Lord Chief Justice of Northern Ireland has appointed the following to be a Commissioner to administer Oaths:—

Francis J. Byrne, Solicitor, Banbridge.

New Members.

The following joined the Society during February:—

John Dorman, Lisburn.
James J. F. Lawlor, 12 Dame Street,
Dublin.
Thomas P. Robinson, 11 Fleet Street,
Dublin.

Criminal and Malicious Injuries.

The following notice has been published in the Press:—

RIALTAS SEALADACH na h-EIREANN.

PUBLIC NOTICE No. 2.

The Staying of Court Proceedings in connection with Criminal and Malicious Injury Claims:

Notice is hereby given:—

(1) That, pending the publication of an official statement in connection with the ultimate adjustment of all claims in respect of damages done within the period 21st January, 1919, to 11th July, 1921, both days inclusive, which are or have been made pursuant to the provisions of Section 5 of the Local Government (Ireland) Act of 1898 and the Criminal Injuries (Ireland) Acts of 1919 and 1920, all proceedings in respect of such claims, whether in the High Courts or County Courts, must be immediately stayed on and after the date of this Public Notice.

(2) That until the publication of such official statement all persons, who

(a) have obtained decrees in respect of damages suffered during the period aforementioned, whether in the High Courts or County Courts, or

(b) have made claims in any of the aforesaid Courts in respect of such damages which claims have been refused, or

(c) have lodged claims for such damages, or

(d) have suffered damages within the period aforementioned in respect of which claims may be made

pursuant to the provisions of the said Acts, or who have suffered damages within the period aforementioned alleged to have been committed by members of any of the several units of the British Forces in this country, shall, with regard to such claims, adhere to the procedure laid down in the Public Notice (Criminal and Malicious Injury Claims) published on the 20th day of January, 1922, which Public Notice shall be known and quoted as Public Notice No. 1.

(3) The notices or documents to be lodged with the Secretaries of County Councils pursuant to the provisions of the said Public Notice No. 1 should be in the nature of short statements of fact, describing briefly, but accurately, the main incidents in connection with the claims and giving a detailed account of the damages done.

Dated this 11th day of February, 1922.

DIARMUID O hEIGCEARTUIGH,
Secretary to the Provisional
Government.

City Hall, Dublin.

Calendar and Law Directory.

The Society's Calendar and Law Directory for 1922 can be obtained in the Secretary's Office. Price five shillings; by post, five shillings and sixpence.

Legal Decision.

COURT OF APPEAL (ENGLAND).

(Before Bankes, Scrutton, and Younger,
L.JJ.)

NEWELL v. CRAYFORD COTTAGE SOCIETY.

Feb. 13, 1922—*Landlord and Tenant—
Weekly tenancy—Notice of intention to
raise rent—Necessity of notice to quit—
Increase of Rent Act, Sec. 3, Sub-Sec. 1.*

Appeal of the defendant Society from judgment of Divisional Court on appeal from County Court.

The plaintiff was tenant to the defendants of a house on a weekly tenancy at a rent, prior to August, 1920, of nine shillings and sixpence per week. On August 7 the defendants gave the plaintiff notice of intention to increase the rent by the sum of

one shilling and tenpence halfpenny per week from September 6. It was not disputed that the amount of the increase was permissible under the Act. But the defendants did not give the plaintiff any notice to quit either before service of notice of increase or at all. The plaintiff paid the increased rent from September 6 till November 26, and subsequently pending the proceedings. He brought this action in the County Court to recover £3 7s. 6d. for a period of 36 weeks, on the ground that the increase was invalid under Sec. 3, Sub-Sec. 1 of the Increase of Rent Act, 1920, by reason of the defendant's omission to serve a notice to quit determining the tenancy. That Section provides that: "Nothing in this Act shall be taken to authorise any increase of rent except in respect of a period during which but for this Act the landlord would be entitled to obtain possession." The County Court Judge gave judgment for the plaintiff for the amount claimed, and his decision was affirmed by the Divisional Court. The defendants appealed to the Court of Appeal.

The Court held that the Sub-Section meant what it said, and that as the landlord of a house let on a weekly tenancy could not be "entitled to obtain possession" until after the expiry of a notice to quit, the giving of such a notice was a condition precedent to the right of the landlord to claim an increase of rent. They accordingly dismissed the appeal.

(Reported *Weekly Notes*, Feb. 25, 1922.)

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

OF

Incorporated Law Society of Ireland.

Vol. XV, No. 10.]

April, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.]

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XV., No. 10.]

April, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

22nd March.

Twenty-five Members present.

Costs Committee.

A report from the Costs Committee upon the following queries was submitted, and the replies were adopted:—

1. How should the costs be drawn of a deed whereby in consideration of a sum of £59 2s. 0d. the use of a party wall was demised and granted for the term of one life, subject to covenants to construct a gutter to carry off rain water, and to keep wall in repair? The reply was that the costs should be drawn under the old system as altered by Schedule II. of the General Order under the Solicitors Remuneration Act.

2. Is a lessee liable to pay the costs of the Solicitor for a mortgagee of the lessor's interest, who has joined in the lease for the purpose of enabling a lessor to make an effective lease? The reply was that, in the absence of an agreement to the contrary, the lessee is not liable to pay the costs of the mortgagee's Solicitor. (See *Fletcher v. Dyson*, 1903, 2 Ch.)

Obituary.

MR. EDWARD STANLEY JONES, Solicitor, died upon the 2nd March, 1922, at his residence, 3 Wilmont Terrace, Lisburn Road, Belfast.

Mr. Jones served his apprenticeship with the late Mr. Edward Bates, Belfast; was

admitted in Trinity Sittings, 1890, and practised at Donegall Square, North, Belfast.

MR. RICHARD S. HOLLAND, Solicitor, died upon the 11th March, 1922, at his residence Church Street, Omagh.

Mr. Holland served his apprenticeship with the late Mr. George Twibill, Dublin; was admitted in Michaelmas Sittings, 1883, and practised at Omagh.

MR. ELLIOTT McNEILL, Solicitor, died upon the 19th March, 1922, in Dublin.

Mr. McNeill served his apprenticeship with the late Mr. John Torrens, Belfast; was admitted in Hilary Sittings, 1895, and practised in partnership with Mr. Basil Thompson, under the style of Messrs. Bennett Thompson and McNeill, 48 Dame Street, Dublin.

Commissioner to Administer Oaths.

The Lord Chief Justice of Ireland has appointed the following to be a Commissioner to administer Oaths:—

Mrs. Mary P. Gilhooly, Clerk of Petty Sessions, Bantry.

New Members.

The following joined the Society during March:—

Daniel O'Leary, Arklow.

Joseph J. Tallon, 78 Dame Street, Dublin.

Examination Results.

At the Intermediate Examination held on 2nd March, the following passed, and their names are classed and placed in order of merit:—

CLASS I.

- | | |
|-----------------------|----------|
| 1. Vincent P. McGahan | } Equal. |
| Francis C. Ringland | |
| 3. Andrew J. O'Flynn. | |
| 4. John Hollinger. | |

CLASS II.

1. Charles H. B. Jellett.
2. William A. Hunter.
3. Desmond J. Collins.
4. Thomas D. Gibson, jun.
5. Thomas P. A. McVeagh.

Twelve candidates attended: 9 passed; 3 were postponed.

Calendar and Law Directory.

The Society's Calendar and Law Directory for 1922 can be obtained in the Secretary's Office. Price five shillings; by post, five shillings and sixpence.

May Examinations, 1922.

The Preliminary Examination will be held on Thursday and Friday, the 25th and 26th days of May. Candidates' applications to attend should be lodged before 6th May.

The Final Examination will be held on Monday, Tuesday and Wednesday, the 29th, 30th and 31st days of May. Candidates' applications to attend should be lodged before 12th May.

Easter and Trinity Sittings Lectures, 1922.

Junior Class Lectures will be delivered on the following dates:—

April 20, 24, 27.

May 1, 4, 8, 11, 15, 18, 22.

June 8, 12, 15, 19, 22, 26, 28, 29.

Senior Class Lectures will be delivered on the following dates:—

April 21, 25, 28.

May 2, 5, 9, 12, 16, 19, 23.

June 9, 13, 16, 20, 21, 23, 27, 30.

Legal Decisions.**PROBATE, DIVORCE AND ADMIRALTY
DIVISION (ENGLAND).**

(Before Sir Henry Duke, President.)

IN THE ESTATE OF ROBERT GAULT, Deceased.

March 24, 1922.—*Re-sealing probate issued by High Court of Justice of Northern Ireland—Government of Ireland Act, 1920, s.s. 38, 40—Colonial Probates Act, 1892.*

The testator died on November 28, 1921, in London but domiciled in Northern Ireland. He left considerable estate comprising both real and personal estate in Northern Ireland, and personal estate in England. Probate of his Will had been granted to his executors in the High Court of Justice, Northern Ireland, K.B.D. (Probate), constituted by the Government of Ireland Act, 1920. Duty on the whole estate, including the part in England, had been paid to the Ministry of Finance, Northern Ireland. The executors had applied to the Probate Registry in England to have the grant re-sealed according to the usual practice. The Registrar had raised the question whether, since the Government of Ireland Act, 1920, had abolished the old Irish Courts, the application ought not to have been made under the Colonial Probates Act, 1892, and refused to re-seal the probate without the direction of the judge.

On behalf of the executors application was made for an order that the grant be re-sealed pursuant to the regulations hitherto in force.

Sir Henry Duke, P., said it was impossible to apply the Colonial Probates Act to Ireland, for that Act only applied to possessions to which it had been directed by Order in Council that it should apply, and no such Order had been made with regard to Ireland. But in his opinion it was clear that the Government of Ireland Act, 1920, authorised and required the re-sealing in England of probates and letters of administration granted by the High Court of Justice in Northern Ireland, and accordingly he granted the application.

(Reported *Weekly Notes*, April 1, 1922.)

COURT OF APPEAL IN SOUTHERN IRELAND.

(Before Molony, L.C.J.; O'Connor, L. J.;
and Wylie, J.)

PARKER v. CONNOLLY AND CO.

March 9, 1922.—*Rules of Supreme Court—Government of Ireland Act, 1920—Rules invalid.*

Ex parte appeal. The plaintiff carried on business in Leicester, England, and the defendants were a firm having a registered office in Belfast. The action was for the price of goods sold and delivered under a contract made in Dublin. The plaintiff moved for liberty to issue and serve a writ out of the jurisdiction upon the defendants at their registered office in Belfast, relying on the provisions of the new rules substituted for Order XI., Rule 1 (e) and (f), by Order in Council, dated 10th October, 1921, published in the *Dublin Gazette* of 11th October, 1921. Samuels, J., refused the application, and the plaintiff appealed.

The Court refused the motion, holding that the new rules were *ultra vires*, and, accordingly, invalid, having been made under an Order in Council subsequent to October 1st, 1921, the day appointed for the purposes of

the Government of Ireland Act, 1920, on which the Supreme Court of Judicature in Ireland ceased to exist.

The effect of this judgment is to render invalid the amendments and alterations to Orders IX. (Service), XI. (Service out of Jurisdiction), XXIX. (Security for Costs), XLI. (Entry of Judgment), LXXXVIII. (Bankruptcy), contained in the Orders published in the *Dublin Gazette* of 11th October, 1921.

(Reported *I.L.T.R.*, 18th March, 1922.)

Notice of Change of Address.

Messrs. KERIN & HICKMAN, Solicitors, Ennis,
have changed their registered address
from 55 Dawson Street to
3 LOWER MERRION STREET, 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

OF

Incorporated Law Society of Ireland.

Vol. XVI, No. 1.]

May, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

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Vol. XVI., No. 1.]

May, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

The Society's Premises.

On the 14th April, the Four Courts and the Solicitors' Buildings were taken possession of by a force of armed men who still remain in occupation.

Temporary offices for the Secretary of the Society and his staff have been taken by the Council at 33 Molesworth Street, Dublin, First Floor, Rooms 1 and 3. Telephone Number 895.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock p.m., on Tuesday, 16th May, 1922, at the Molesworth Hall, Molesworth Street, Dublin. The business to be transacted includes the nomination of Scrutineers of Ballot for Council to be held on 21st November, 1922; the election of Auditors of the accounts of the Society, and the consideration of a report from the Council on a reference adopted by resolution of the General Meeting held in November last.

Solicitors' Apprentices Lectures.

The lectures to both the Senior and Junior Classes of Apprentices are being delivered at Mills' Hall, 8 Merrion Row, Dublin, on the dates and at the hours mentioned in last month's GAZETTE.

Annual Subscriptions.

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

Town Members and Country Members of more than three years' standing, entitled to vote at election of Ordinary Members of Council	... ..	£1 0 0
Other Country Members	... ..	0 10 0
Members who have been admitted to the profession under three years	... ..	0 10 0
Press rent	... ..	0 5 0

Meetings of the Council.

April 5th.

Twenty-four Members present.

Reference from General Meeting.

A report was submitted from the Privileges Committee dealing with a reference to the Council passed at the Half-yearly General Meeting of the Society last November. The Council adopted the report, and it was resolved to submit it to the General Meeting of the Society to be held on 16th May, 1922.

The reference to the Council was in the following terms:—"That the question of reciprocity between the Solicitors' professions in England and Ireland be referred to the Council for consideration, and that the Council do report to the May meeting of the Society, or earlier if it be desirable."

The following is the report adopted by the Council on this reference:—

"The Council beg to report that in order to bring into operation, if agreed upon, the

“reciprocity suggested by the resolution passed at the General Meeting of the Society held in November, 1921, legislation would be required, and as it is not at present possible to promote such legislation, the Council recommend that further consideration of the matter be postponed.”

April 21st.

Twenty-eight Members present.

A special meeting was held to consider matters arising in consequence of the occupation of the Four Courts by a force of armed men.

It was resolved that offices be immediately secured for the Secretary and his staff.

It was further resolved that the Vice-Presidents (in the absence of the President) should interview the Controller of the Inland Revenue in reference to the arrangements for stamping of documents.

Stamping of Documents.

The following letter has been received from the Comptroller of Stamps as a result of an interview between him and the Vice-Presidents of the Society:—

Inland Revenue,
Jury's Hotel,
6-8 College, Green, Dublin,
25th April, 1922.

DEAR SIR,

I beg to inform you that for the period during which the stamping facilities at the Four Courts are not available, arrangements will be made to receive at this office for stamping documents which are specially required. Such documents should in the first instance be presented in the Storekeeper's Office on the ground floor of this building.

It is requested that for the present these arrangements may be made use of only for such documents as are urgently required.

I am, yours faithfully,
(Signed), S. E. MINNIS,
Comptroller of Stamps and Income Tax.

The Secretary,
The Incorporated Law Society,
33 Molesworth Street, Dublin.

The following further letter has been received:

Inland Revenue,
Jury's Hotel, Dublin,
8th May, 1922.

Dear Sir,

I beg to refer to my letter of the 25th ultimo on the subject of stamping arrangements, and to state that the request in the last paragraph thereof is now withdrawn, and all documents may now be presented at this office. I enclose some copies of a notice setting out in detail the procedure to be followed in connection with the presentation of documents for stamping with Revenue stamps or Particulars Delivered stamp.

I am, yours faithfully,
(Signed) S. E. MINNIS.

The Secretary,
Incorporated Law Society, Dublin.

Temporary Stamping Arrangements.

Inland Revenue,
Jury's Hotel, Dublin.

The following temporary arrangements for the stamping of documents have been made:

1. Documents will be marked in Room No 7 (first floor).
2. The stamp duty is then to be paid at the Cashier's office (Entrance Hall) where a warrant *in duplicate* should be presented.
3. One of the warrants will be returned to the applicant by the Cashier, together with a receipt for the duty paid. The documents for stamping should then be presented, together with the warrant and Cashier's receipt at the office of the Storekeeper (ground floor) where the warrant and the documents will be checked and retained.
4. The documents will normally be ready at the expiration of four days from the date of lodgment, and will be delivered out on presentation of the Cashier's receipt at the Storekeeper's Office.
5. Particulars Delivered cases are also dealt with in Room No. 7.

Obituary.

MR. EDWARD COUNIHAN, Solicitor, died upon the 15th April, 1922, at Bellevue, Kiltrush, County Clare.

Mr. Counihan served his apprenticeship with the late Mr. Thomas Kelly, Kiltrush; was admitted in Hilary Sittings, 1911, and practised at Kiltrush.

MR. LEVINS J. O'REILLY, Solicitor, died upon the 25th April, 1922, at Dublin.

Mr. O'Reilly served his apprenticeship with the late Mr. Ambrose Plunkett, 22 Wellington Quay, Dublin; was admitted in Hilary Sittings, 1904, and practised at 20 Wellington Quay, Dublin.

MR. FRANCIS FITZMAURICE, Solicitor, died as the victim of a murderous assault, at his residence, Carberry, Dunmanway, County Cork, on the 26th April, 1922.

Mr. Fitzmaurice served his apprenticeship with the late Messrs. Gregg and Gregg, Cork; was admitted in Trinity Term, 1874, and practised at Dunmanway.

The Council of the Incorporated Law Society, by resolution passed at its meeting on 3rd May, expressed to Mrs. Fitzmaurice and the members of the family the deep sympathy of the Council in their bereavement.

Appointment of Law Officer.

In the *Dublin Gazette* of 14th April, 1922, it is officially notified by the Secretary to the Provisional Government that the Law Officer of the Provisional Government is Mr. Hugh Kennedy, and that the Solicitor to the Law Officer is Mr. James O'Connor, of 71 Dame Street, Dublin, at which address, it is notified, legal notices and documents should be served.

By an Order of the King in Council dated the 1st day of April, 1922, being the Provisional Government (Transfer of Functions) Order, 1922, it is (*inter alia*) provided:

13: (i). Subject to any Act of the Provisional Parliament and to the provisions of this Order and any other Order made under the Irish Free State (Agreement) Act, 1922, all existing laws, institutions and authorities in Southern Ireland, whether judicial, administrative or ministerial, shall continue

as if this Order had not been made, subject to the modification necessary for adapting them to this Order and in particular to the modifications hereinafter set forth.

13: (ii) (d). References to the Attorney-General or Solicitor-General for Ireland or Southern Ireland shall be construed as references to the Law Officer of the Provisional Government appointed to discharge the functions previously discharged by these officers.

SCHEDULE TO ORDER.**Part I.**

Ministry of Home Affairs.—There will be attached to this Department as a branch thereof a Law Officers' Department under the Law Officer of the Provisional Government, to which there shall be assigned the functions of the office of the Chief Crown Solicitor.

May Examinations, 1922.

The Preliminary Examination will be held, as already announced, on Thursday and Friday, 25th and 26th days of May.

The Final Examination will be held, as already announced, on Monday, Tuesday and Wednesday, 29th, 30th and 31st days of May. The candidates who lodge notices of intention to attend the above Examinations will receive intimation from the Secretary of the address in Dublin where the Examinations will be held.

Society's Calendar, 1922.

The Calendar of the Society for 1922 can be obtained at the Secretary's Temporary Office, 33 Molesworth Street, Dublin. Price five shillings, by post five shillings and sixpence. There are a few copies remaining unsold.

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



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The Society's Premises.

The Council regret that owing to the continued occupation of the Four Courts and the Solicitors' Buildings by a force of armed men the members of the Society are still deprived of the use of the Society's premises. The temporary offices of the Secretary and his Staff are at 33 Molesworth Street, Dublin, where the Council and Committee Meetings are also held.

By the courtesy of the Council of the Royal College of Surgeons the Preliminary and Final Examinations of the Society were held in the College last month.

The current legal publications and Gazettes can be seen by members at the Secretary's temporary offices.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society was held on Tuesday, 16th May, in the Molesworth Hall, Dublin. Mr. P. J. Brady, President, occupied the chair.

The following members were present:—

A. D. Orr (Vice-President,) J. W. Dyas (Vice-President,) W. S. Hayes, Charles G. Gamble, J. W. Richards, W. V. Seddall, A. H. S. Orpen, R. G. Warren, F. Fottrell, R. Blair White, J. Moore, Basil Thompson, E. N. Edwards, W. T. Sheridan, P. Seales, T. F. Monks, W. H. Fry, A. W. Stirling, Sir John O'Connell, R. Nesbitt Keller, Patrick Rooney, C. P. Wilson, Michael Buggy, Sir George Roche, Edward White, Charles

H. Chaytor, Edward Condell, W. J. M. Coulter, F. S. D. Colquhoun, J. W. Davis, R. A. Ryan, W. H. Geoghegan, L. F. Kenny, Edward S. Lowe, G. B. Pilkington, Ivan Howe, C. G. Stapleton, James Brady, Charles Corcoran, F. E. Bermingham, W. H. C. Lloyd, V. Kennedy, S. M. Bell, C. J. Law, Leonard Webb, John J. Gaynor, C. W. Hardman, Q. W. Kennedy, F. D. Darley, C. St. G. Orpen, E. Lloyd, V. F. Kirwan, W. J. Ryan, F. S. de V. White, R. D. English, V. E. Kirwan.

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

The President nominated the following members to act as Scrutineers of the ballot for Council to be held on 21st November next:—Mr. E. F. Collins, Mr. M. Dawson, Mr. H. P. Mayne, Mr. F. G. Sharpe and Mr. N. Taylor.

Mr. Orr, V.-P., moved, Mr. Dyas, V.-P., seconded, and it was resolved that Mr. W. W. Carruthers, Mr. D. B. Dunne, and Mr. T. A. Ireland be appointed Auditors of the Society's accounts for the year ending 30th April last.

PRESIDENT'S ADDRESS.

Since my predecessor addressed you last November death has deprived us of several members:—Messrs. Charles F. Mathews of Dublin, George H. Quarry of Belfast, John

M. Ross Todd of Dublin, M. D. McCoy of Limerick, William Burroughs Stanley of Dublin, a former President; David A. Quaid of Dublin, F. A. Cunningham of Belfast, E. S. Jones of Belfast, R. S. Holland of Omagh, Elliott McNeill of Dublin, Edward Counihan of Kiltrush, Francis Fitzmaurice of Dunmanway, J. H. Moran of Limerick, Levis O'Reilly and R. B. Falkiner of Dublin. Each and every one of these gentlemen was a well known and honoured Member of his Profession. The circumstances of Mr. Fitzmaurice's death sent a thrill of horror not only through his old professional comrades but through the entire community. He practised in Dunmanway, Co. Cork, for 48 years; a Protestant, he lived in peace and harmony with his Catholic neighbours and had attained to a ripe and honoured old age. That such a man should be brutally murdered as a so-called reprisal for murders equally barbarous committed in the North is contrary to every Christian principle. There is no doubt that the overwhelming majority of Irishmen regard such crimes with abhorrence and disgust.

Since our last meeting our Northern brethren have obtained a Charter establishing a separate Society for the Six Counties. The Council genuinely regrets this. Since the foundation of our Society the most cordial relations have always existed in the profession between north and south. No difference either of creed or politics has ever marred these relations. The Council have always held the view that there was no solid reason for setting up two systems of legal administration in this country. It is now, however, an accomplished fact and we can only hope that in days not far off that we will come together again and work as one undivided profession in the interests of the community and ourselves. I shall only add in this connection that notwithstanding this, as I hope, temporary severance, this Council will hold themselves always ready to co-operate with our Northern brethren as far as they will allow us. The fact that some of our Northern brethren are forsaking us is a powerful reason why every Solicitor in the Twenty-six Counties should support the Law Society. In normal times the support given to the Society by

the Profession has not been such as one should expect. We are now living in abnormal times. The Society is passing through a period of great difficulty, and it behoves every Solicitor who has not only his own interests but also those of the Profession as a whole at heart to join the Society, and thus strengthen its resources and enable it to effectively voice the claims of our Profession. I have always believed in the principle of properly regulated Trade Unionism. A Society can always more effectively voice a claim than an individual. I trust, therefore, that by November there will be such an accession of membership as will make the Society more powerful than ever. In this connection may I say that the Council would welcome suggestions from Solicitors practising in the country as to how the Society could be improved and strengthened. I had the ambition of personally meeting some of the Local Sessions Bars throughout the country and discussing with them various questions affecting our Profession, but unfortunately the present troubles have made such a course impracticable at the moment. With the advent of peace, however, I shall certainly embrace opportunities of meeting my brethren in the country and conferring with them as to any question which they think should be discussed and carefully considering any proposals made on behalf of local practitioners.

I regret that recent events have deprived us temporarily of the Solicitors' Buildings. The occupation of the Four Courts by an armed force inevitably involves the occupation by that force of the premises of this Society, which, perhaps, the public do not quite realise, form a distinct building from the Four Courts and are the private property of this Society. You can all readily appreciate that our work has been carried on with considerable difficulty but it has been carried on. Owing to the prompt action of our Secretary our functions have not been interrupted. The Lectures and Examinations for our Students are proceeding, the Council Meetings are being held and the general government of the Profession is being carried on. It is very unfortunate that members are for the time

being denied access to the Library, Halls and premises of the Society. I sincerely hope that this state of affairs will be of short duration. If I dwell on these facts, I do so only so far as they affect our Profession. This Society is entirely non-political and, needless to say, I have no intention of addressing you on the political state of our country. Intimately conversant, however, as our work is with the social and commercial life of the community, it follows that anything that injures the community as a whole reacts with peculiar force on our Profession. Bearing this in mind, the Council as far back as January last passed the following resolution:—

“We, the Council of the Incorporated Law Society of Ireland, recognising the injury done to the material well being of the community by public uncertainty and consequent disquietude do hereby express an earnest hope that the deliberations of the Irish Representatives may result in a decision bringing peace to our country, so that without delay the work of construction may begin and every citizen be free to take his part in building up the prosperity of the country on which the true interest of the legal profession must be always based.”

To-day I fervently re-echo the sentiments expressed in that resolution and I hope that out of much turmoil and strife, much deplorable loss of life, much anxiety and depression, there will speedily come a new and better state of affairs whereby confidence may be restored and peace prevail.

Later on in the same month of January when the Provisional Government was established the Council took the earliest opportunity of assuring the Minister for Home Affairs, whom as a Solicitor they heartily congratulated on his appointment to so responsible a position, of their desire to assist the Government by every means in their power, whether in questions of legal administration or otherwise, and that they would welcome any suggestions made to them with that object. Some time ago rumours were in circulation that the new Government contemplated sweeping changes in the administration of the law in this country. It may well be that when an

Irish Government gets into working order that matters—most important matters—regarding the legal administration in this country will come under review and revision. If legal reform under a new Government becomes practical politics this Society will be found ready to co-operate in any movement of the kind. Speaking for myself only, I have long held the view that there is a pressing necessity for legal reform in this country. This is not the time to discuss this question much less to discuss such reform in detail. Some time ago two articles entitled “The Passing of a Profession” appeared in the *Irish Times*. The writer adopted the *nom-de-plume* of “Solicitor.” It was a bold article and, whilst I do not agree with everything in it, the opinion therein expressed that legal procedure in Ireland should be less cumbersome, more expeditious and less expensive is, it seems to me, a sound and well founded opinion. The public and the Profession would alike gain by simplification and dispatch. The reform of the County Court, for instance, has long ago been pressed for by the mercantile community, but without success. This Society introduced several County Court Bills in the British House of Commons, but none of them ever reached the Statute Book. Again reminding you that I am offering no opinion but my own, I venture to think that a Committee set up by an Irish Government would be very well employed in considering the whole question of the administration of the law in this country. This Society is the natural mouthpiece of the Profession. Its Council is composed of men of ripe and varied experience in the practice of the law. The wealth of information and experience which will be thus at the disposal of any Government will be of enormous advantage in consideration of any questions affecting legal administration.

In conclusion, we all as Irishmen fervently long to see established in our midst an Irish Government broad-based upon the people's will. We trust that at the earliest moment the people will be given an opportunity of constitutionally expressing their will and that our country may then enter, under the aegis of a well ordered native Government upon a period of peace and prosperity.

MR. JAMES BRADY expressed great regret that the Northern Law Society had obtained a Charter and that the members of that Society sought to leave this Society. He also expressed the opinion that on the Four Courts being occupied last month by an armed force, the legal profession should have closed down and declined to carry on.

SIR GEORGE ROCHE said he was satisfied that the Council did all they could with reason to prevent the Northern Law Society from dissociating themselves from their southern brethren. He drew attention to the inconvenience arising on re-sealing grants obtained in the Southern and Northern Courts respectively and to the difficulty and expense attendant on obtaining a refund of the estate duty paid a second time.

THE PRESIDENT stated that the Council could not have taken steps to prevent the Northern Law Society obtaining a Charter, but the fact of the Charter having been obtained would not prevent the two Societies working in harmony for the benefit of the profession generally. He maintained that they adopted the right course in carrying on as best they could the work of the Society when their premises were taken last month. The business of the Courts was being carried on at King's Inns at the request of the Provisional Government, and it would be a strange anomaly to have the Courts sitting and the Society refusing to co-operate. The chair having been taken by Mr. A. D. Orr, Vice-President, upon the motion of Sir George Roche, seconded by Mr. Stapleton, a cordial vote of thanks was passed to the President, who thanked the meeting.

Obituary.

MR. JAMES HISHON MORAN, Solicitor, died upon the 2nd May, 1922, at Barrington's Hospital, Limerick.

Mr. Moran was admitted in Trinity Term, 1877, and practised at Limerick.

MR. RICHARD B. FALKINER, Solicitor, died upon the 7th May, 1922, at his residence, Lauristinus, Dundrum, County Dublin.

Mr. Falkiner served his apprenticeship with the late Mr. Hone, was admitted in Trinity Sittings, 1888, and practised, in partnership with Mr. Richard Fitzsimmons, under the style of Messrs. Hone and Falkiner, at 9 Suffolk Street, Dublin.

MR. JEFFREY J. FAY, Solicitor, died upon the 7th May, 1922.

Mr. Fay was admitted in Michaelmas Sittings, 1894, and practised at Ballinamore up to 1912, when he retired.

MR. JOHN C. O'REILLY, Solicitor, died upon the 12th May, 1922, at Lurgan.

Mr. O'Reilly was admitted in Trinity Sittings, 1881, and practised at Lurgan up to 1919, when he retired.

MR. ALFRED HENRY, Solicitor, died upon the 21st May, 1922, at Dublin.

Mr. Henry served his apprenticeship with his brother, Mr. James Henry, Dublin, was admitted in Easter Sittings, 1879, and practised at 22 St. Andrew Street, Dublin.

New Member.

The following joined the Society during May:—Patrick J. Roe, Dundalk.

Commissioner to Administer Oaths.

The Lord Chief Justice of Northern Ireland has appointed the following to be a Commissioner to Administer Oaths:—Thomas Herbert Wallace, Solicitor, Dromore.

Solicitors' Golfing Society.

THE IRISH SOLICITORS' GOLFING SOCIETY held their Annual Competition for Challenge Cup at Dollymount on the 31st May, 1922. There were fifty-two competitors.

Mr. J. J. Bolger of Enniscorthy returned the best card, 78, 5, 73, Messrs. T. F. Crozier and John J. Gaynor tying for second place with nett 80.

In the afternoon Foursome Sweepstakes were played, Messrs. Charles O'Brien and

Thomas H. Hayes being the winners, with Messrs. F. D. Darley and C. J. Rutherford second.

The Annual General Meeting was held in the Clubhouse, Mr. P. J. Brady, President of the Incorporated Law Society, in the chair.

The President urged the desirability of Solicitors joining the Golfing Society, pointing out that the membership was far short of that which one would expect, having regard to the fact that there were 1,500 Solicitors in Ireland. Apart from the attractiveness of Golf as a game, this Society afforded an opportunity to Solicitors of meeting one another and thus knowing one another better. The more Irishmen of all classes and creeds came together the better it would be for their common country. The Solicitors' profession could play a large part in the building up of the new Ireland that lies before them, but to be an effective body they must stand together and "play the game." It was to be hoped that there would be a very large attendance of Solicitors at the Golfing Society's Competition which is being arranged for September next.

The following Officers were elected:—

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

Captain - Mr. R. G. Warren.

Secretary - Mr. Hugh Horan.

Committee - Messrs. T. F. Monks, James Moore, Basil Thompson, Thomas Early and G. P. Cussen.

The Government of Ireland (Resealing of Probates, &c.) Order, 1922.

At the Court at Buckingham Palace, the 31st day of January, 1922.

PRESENT,

The King's Most Excellent Majesty in Council

Whereas by section sixty-nine of the Government of Ireland Act, 1920, His Majesty is empowered by Order in Council (which Orders are in that Act and hereinafter referred to as Irish Transfer Orders) to make

such regulations as seem necessary or proper for setting in motion the Parliaments and Governments of Southern and Northern Ireland, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing the said Act into full operation or for giving full effect to any of the provisions of the said Act, and in particular His Majesty is empowered amongst other things, by any such Order in Council, to make such adaptations of any enactments as far as they relate to Ireland as may appear to Him necessary or proper in order to give effect to the provisions of the said Act; and also to make any adaptations of any enactments so far as they relate to England or Scotland as may appear to Him necessary or proper as a consequence of any change effected by the provisions of the said Act:

And whereas by sub-section (5) of section twenty-eight of the said Act it is provided that any Irish Transfer Order providing for the adaptations of the enactments relating to the resealing or certification in one country of probate or letters of administration or confirmation of executors granted in another country, may provide that the Court or officer before resealing or certifying the probate or letters of administration or confirmation shall be satisfied that estate duty, or duty in the nature of estate duty, has been paid in respect of so much, if any, of the estate as is liable to that duty in the country in which the resealing or certification takes place, and for requiring the resealing or certification of probate, letters of administration, or confirmation of executors, in cases where, by virtue of section forty-eight of the Finance (No 2) Act, 1915, such resealing or certification is not required:

And whereas by section forty-one of the said Act it is provided that, subject to the provisions of that Act and any modifications or adaptations made by Irish Transfer Orders under that Act, all enactments relating to the Supreme Court of Judicature in Ireland and the judges and officers thereof shall apply to the Supreme Court of Judicature in Southern Ireland and to the Supreme Court of Judicature in Northern Ireland respectively, and the judges and officers thereof, as they apply to the Supreme Court

of Judicature in Ireland and the judges and officers thereof :

And whereas the provisions of section one of the Rules Publication Act, 1893, have been complied with :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Government of Ireland (Resealing of Probates, &c.) Order, 1922.

(2) In this Order unless the context otherwise requires,

The expression "the Act of 1857" means the Probate and Letters of Administration Act (Ireland) 1857, including any enactments, rules and regulations by which that Act has been extended, amended or applied.

The expression "the Act of 1858" means the Confirmation of Executors (Scotland) Act, 1858, including any enactments, rules and regulations by which that Act has been extended, amended or applied.

2.—(1) Section ninety-four of the Act of 1857 shall extend and apply to the resealing in Southern Ireland of Probates and Letters of Administration granted in Northern Ireland, and to the resealing in Northern Ireland of Probates and Letters of Administration granted in Southern Ireland, in like manner as it applies to the resealing in Ireland of Probates and Letters of Administration granted in England.

(2) References in the Act of 1857 or in the Act of 1858 to Ireland shall be construed as references to Southern Ireland or Northern Ireland as the case may be.

3.—(1) Where in pursuance of the provisions of section ninety-four or ninety-five of the Act of 1857, or of Article 2 of this Order, Probate or Letters of Administration granted by the Court in Northern Ireland are deposited for the purpose of being resealed under those provisions in England or Southern Ireland, or Probate or Letters of Administration granted by the court in England or Southern Ireland are deposited for the purpose of being resealed under those provisions in Northern Ireland, then in lieu

of a certificate showing that estate duty has been paid on the issue of the original grant in respect of the assets situate in the country in which the grant is to be resealed there shall be delivered to the authority charged with resealing, together with the grant to be resealed, an affidavit accounting for the estate duty, or duty in the nature of estate duty (if any) in respect of the assets situate within the jurisdiction of the resealing authority in like manner as upon an application for an original grant of representation to such authority.

(2) Where in pursuance of section thirteen of the Act of 1858 Scottish confirmation is produced for the purpose of being sealed in Northern Ireland, then before the confirmation is so sealed an affidavit shall be filed and the Northern Irish estate duty, or duty in the nature of estate duty (if any) payable in respect of the assets situate in Northern Ireland shall be paid in the same manner as if an application was being made for an original grant.

(3) Where in pursuance of section fourteen of the Act of 1858 a Northern Ireland grant of representation is produced for the purpose of being certified in Scotland, then before the grant is so certified an inventory shall be filed and British estate duty (if any) payable in respect of the assets situate in Scotland shall be paid in the same manner as if an original application was being made for confirmation.

(4) Notwithstanding the provisions of section forty-eight of the Finance (No 2) Act, 1915, grants of representation by any court in Great Britain or Southern Ireland shall not have effect with respect to Government stock in Northern Ireland, and grants of representation in Northern Ireland shall not have effect with respect to Government stock outside Northern Ireland, unless sealed or certified in the country where the stock is situate, in accordance with the provisions of the Acts of 1857 and 1858 as modified by this article.

(5) This article does not apply where the person in respect of whom representation is granted died before the twenty-second day of November nineteen hundred and twenty-one.

Almeric FitzRoy.

Northern Ireland Summer Assizes.

The Northern Ireland Summer Assizes Circuit will go out on 4th July, 1922, and Assizes will be held for the following Counties:—Co. Antrim, at Belfast, Tuesday, July 4th, at 12 noon; Co. Down, at Downpatrick, Thursday, July 6th, at 12.30 p.m.; Co. Armagh, at Armagh, Tuesday, July 11th, at 1 o'clock; Co. Fermanagh, at Enniskillen, Saturday, July 15th, at 11 o'clock; Co. Tyrone, at Omagh, Tuesday, July 18th, at 11 o'clock; Co. Londonderry, at Derry, Saturday, July 22nd, at 11.30 o'clock; City of Londonderry, at Derry, Tuesday, July 25th, at 10.30 o'clock.

The Judges will be the Right Honourable Lord Justice Moore and the Right Honourable Mr. Justice Brown; and the Registrars, Mr. W. S. Moore, 1 Bedford Street, Belfast; and Mr. James J. Brown, Court House, Belfast.

Intermediate Examination.

The July Intermediate Examination will be held at the Royal College of Surgeons, Stephen's Green West, Dublin, on Tuesday, 4th July, 1922. Apprentices should lodge notice of intention to attend and fee in the Secretary's temporary office, 33 Molesworth Street, Dublin, before Tuesday, 27th June.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVI, Nos. 3 & 4.] July & August, 1922.

[FOR CIRCULATION
AMONGST MEMBERS,

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THE GAZETTE

OF THE

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Vol. XVI., Nos. 3 & 4.] July & August, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

The Society's Premises.

The Council announce with very great regret that on the 28th June the premises of the Society at the Solicitors' Buildings, Four Courts, were destroyed by fire, during military operations conducted by the Free State Army for the purpose of recovering possession of the Four Courts from the armed force which had been in occupation since 14th April.

The contents of the Society's premises, including the furniture and fittings, the library of books, and the paintings and engravings, were destroyed.

The bronze figure and the tablets of the Society's War Memorial have been salvaged in good condition.

The strong room, containing many of the Society's records, withstood the effects of the fire.

The Society held the premises under lease of 29th June, 1874, for 999 years, at one shilling per annum.

The Council have made a claim under the Malicious Injuries Acts for a sum of £300,000 compensation in respect of the destroyed

premises and their contents, and a similar claim has been sent in by the Council to the Provisional Government.

The business of the Society continues to be temporarily carried on at 33 Molesworth Street, Dublin.

The Council contemplate securing permanent premises for the Society in the City of Dublin, but for the present are not in a position to make a definite statement on the matter.

The Council are pleased to report that the Secretary had obtained possession, prior to the destruction of the Solicitors' Buildings, of the more important records of the Society, including the current minute books, the Registers of Practising Solicitors, the Roll of Solicitors, the Roll of Members, the books in connection with apprentices' examinations, a complete set of the Society's GAZETTE, and other books relating to the affairs of the Society.

The Society has sustained a very serious loss at a critical time, but the Society will be carried on for the advancement and use of the profession, and the Council have no doubt that they will receive the assistance of the profession towards the thorough restoration of the Society.

Meetings of the Council.*July 12th.*

Thirty Members present.

Death of Mr. R. A. Andrews.

The President referred with feelings of deep regret to the death of Mr. R. A. Andrews, member of the Council, and the following resolution was passed:—

“Resolved—The Council of the Incorporated Law Society of Ireland have learnt with very deep regret of the death of their valued colleague, Mr. Reginald A. Andrews, and they desire to express their sympathy with the members of his family in their bereavement.”

The Free State.

A report from the Privileges Committee in reference to the Draft Constitution of the Irish Free State was adopted.

Register of British Government Securities.

A report was submitted giving details of an interview between the President of the Dublin Stock Exchange, a member of the Committee of the Dublin Stock Exchange, and the President and Secretary of this Society, with the Minister of Finance of the Provisional Government, at which the question of the discontinuance of the keeping at the Bank of Ireland, Dublin, of registers of holders of British Government Securities was discussed. The members of the deputation urged that the keeping of the Registers at the Bank of Ireland should not be discontinued, and the reply of the Minister on this subject received by the deputation was considered satisfactory.

July 19th.

Thirty Members present.

Destruction of Records.

A special Committee was set up to consider all questions arising out of the destruction of records at the Four Courts, who will be glad to consider all suggestions on the subject which may be sent in writing to the Secretary.

Legal Appointments.

Mr. R. Haldane Carson, Sessional Crown Solicitor for County Tyrone, has been appointed Crown Solicitor for County Tyrone, in place of Mr. James Riordan, resigned.

Mr. C. E. R. A. Irvine, Sessional Crown Solicitor for County Fermanagh, has been appointed Crown Solicitor for County Fermanagh, in place of Mr. James Riordan, resigned.

Obituary.

MR. REGINALD A. W. ANDREWS, Solicitor, died upon the 4th July, 1922, at his residence, 11 Tivoli Terrace, South, Dun Laoghaire.

Mr. Andrews served his apprenticeship with the late Mr. Edward Fitzgerald, 20 St. Andrew Street, Dublin; was admitted in Hilary Sittings, 1898, and practised (in partnership with Mr. James Fitzgerald and Mr. Ivan A. Howe, under the style of Messrs. D. & T. Fitzgerald) at 20 St. Andrew Street, Dublin.

He was a member of the Council of the Society for the past two years.

Destruction of Documents at the Four Courts.

The following letter has been received by the Secretary from the Controller, Inland Revenue:—

Inland Revenue,
Jury's Hotel,
6-8 College Green,
Dublin, 28th July, 1922.

Dear Sir,

I beg to inform you that it has now been possible to obtain access to the safe in the Stamp Office in the Four Courts building. It has been found that a number of documents which had been left for the “Particulars Delivered” stamp, etc., are intact, and application can be made for them at this office (Room 53) by the Solicitors by whom they were deposited.

I am, Sir,

Your obedient Servant,

(Signed), S. E. MINNIS,

Comptroller of Stamps and Income Tax.

The Secretary,

Incorporated Law Society,
Molesworth Street, Dublin.

The Society's Library.

The following books were out on loan when the Society's Library was destroyed; any of these books may now be borrowed by application to the Secretary, 33 Molesworth Street, Dublin:—

Abraham : Lunacy.

Baker : Costs.

Bell & Armstrong : Minors.

Browning & Smith : Registration of Title.

Bunyon : Fire Insurance.

Carleton : County Court.

Chalmers & Owen : Marine Insurance.

Cherry & Wakely : Land Acts

Colles : Lunacy.

Conner : Fisheries.

Copinger : Copyright.

Daniells' Chancery Practice.

Do. Chancery Forms.

Darby & Bosanquet : Statutes of Limitations.

Davidson : Conveyancing.

Dublin Corporation Act, 1890.

Dunstan : Hire Purchase.

Encyclopædia of Forms. Vols. 2, 5, 7, 9 and 15.

Fenian Conspiracy : *Queen v. Kelly*, 1871.

Fuller : Friendly Societies.

Gore-Browne : Companies.

Greenwood : Conveyancing.

Hanson : Death Duties, and Supplement.

Hayes & Jarman : Wills.

Henry : Costs. Vol. II.

Hunt : Boundaries and Fences.

Irish Law Times Reports. Vols. 41 and 46.

Irish Reports (1899) I., (1913) II., and (1918) I.

Irish Reports, 7 C.L.

Kerr : Fraud and Mistake.

Key & Elphinstone : Conveyancing. Vol. II.

Law Reports, 2 Ex. Div., 5 C. P., 8 A.C.; 9 & 15 Ch. Div.; (1891) 3 Ch.; (1893) 1 Ch.; (1898) 2 Ch. (1915) 1 Ch.

Law Reports (1904), 1 K.B.

Law Reports, Ireland Vols. 6 and 26.

Law Times Reports. Vols. 9, 121 and 123.

Lindley : Partnership.

Maxwell : Interpretation of Statutes.

Do. Probate.

Moore : Agreements.

Do. Forms.

Nelson : Probate.

O'Connor : Licensing.

Palmer : Co. Precedents. Pt. I.

Do. Co. Law.

Pollock : Partnership.

Redman : Arbitration.

Reported Cases on Costs.

Ringwood : Torts.

Russell : Arbitration.

Shirley's Leading Cases.

Slater : Arbitration.

Snelling : Excess Profits.

Statutes, United Kingdom. Vol. 14.

Do. 1889.

Do. Revised. Vol. 8.

Statutory Rules and Orders, 1908.

Strahan : Law of Property.

Supreme Court Rules, 1905.

Taylor's Medical Jurisprudence. Vol. I.

Times Law Reports. Vol. 37.

Vanston's Local Government Supplement to Vol. II.

Welford : Fire Insurance.

White & Tudor : Leading Cases. Vol. II.

Williams : Bankruptcy.

Do. Executors.

Do. Personal Property.

Willis : Workmen's Compensation.

Wright : Principal and Agent.

Wurtzburg : Building Societies.

Examination Results.

At the Preliminary Examination held on 25th and 26th May, the following passed the examination, and their names are placed in order of merit :—

1. Archibald B. Warren.
2. Henry B. C. Moore.
3. John Grogan.
4. John H. G. Majury.
5. James L. McLoughlin.

William J. Craig, Thomas B. Erskine and Henry T. Henchy passed the modified Preliminary Examination, for which they had liberty to present themselves.

The remaining candidates were postponed.

At the Final Examination held on 29th, 30th and 31st May, the following passed the examination, and their names are placed in order of merit :—

1. James Hanna.
2. Thomas V. Davy, B.A., N.U.I.
3. Thomas O'Neill.
4. Joseph C. Erskine.
5. John J. Walsh.
6. Thomas A. W. Purefoy, B.A., T.C.D.
7. John G. Magrath.
8. Joseph R. Downes, B.A., N.U.I.
9. Robert C. Graham.
10. Gerard Feeny.
11. Leo F. Trainor.
12. James Morrow.
13. Maurice F. Noonan.
14. Henry J. A. Quinn, B.A., N.U.I.
15. James J. Stack.
16. John F. M. Lynch.
17. Henry B. Fottrell.

The Council have awarded Silver Medals to James Hanna and Thomas V. Davy, B.A., N.U.I., and Special Certificates to Thomas O'Neill, Joseph C. Erskine, John J. Walsh and Thomas A. W. Purefoy, B.A., T.C.D.

The remaining candidates were postponed.

At the Intermediate Examination held on 4th July, the following passed the examination, and their names are classed and arranged in order of merit :—

CLASS I.

1. James Malseed.
2. James L. Russell.
3. James F. K. Anderson.
4. James R. Barry.
5. William E. Godfrey.
6. Alexander K. Steele.
7. Charles J. Joyce.
8. Joseph Brogan } equal
Samuel Cumming }
10. Charles J. C. Joyce } equal
John A. Lavan. }

CLASS II.

1. Frederick Simpson.
2. Henry J. M. Wilson.
3. John Halpenny.
4. Francis G. Orr.
5. Thomas Teevan.
6. Michael Kavanagh.
7. Peter Hutton.
8. Gerald L. Shelley.
9. Niall S. Gaffney.
10. Francis Murphy.
11. Joseph Frizelle.
12. Thomas White.
13. Eugenie R. Hoy.
14. Edward T. Richards.

October Examinations, 1922.

These Examinations will be held in the Royal College of Surgeons, St. Stephen's Green, on the following dates :—

Preliminary—Thursday and Friday, 5th and 6th October. Notice to be lodged with Secretary before 13th September.

Intermediate—Tuesday, 10th October. Notice to be lodged with Secretary before 17th September.

No renewal fee to be paid for this examination by an apprentice who lodged notice for, but did not attend, the July Intermediate, but notice of intention to attend must be lodged.

Final—Wednesday, Thursday and Friday, 11th, 12th and 13th October. Notice to be lodged with the Secretary before 24th September.

All notices to be lodged with the Secretary at his Temporary Office, 33 Molesworth Street, Dublin.

Michaelmas Sittings Lectures, 1922.

Lectures will be delivered at Mills' Hall, Merrion Row, Dublin, on the following dates:—

Junior Class—Common Law—

October 26, 30.

November 2, 6, 9, 13, 16, 20, 23, 27, 30.

December 4.

Senior Class—Real Property and Equity—

October 27, 31.

November 3, 7, 10, 14, 17, 21, 24 28.

December 1, 5.

Notice of intention to attend either of above Classes should be lodged, with lectures fee of three guineas, before 19th October, with the Secretary, at his Temporary Office, 33 Molesworth Street, Dublin.

Notice of Removal.

Messrs. J. and J. Galloway, Solicitors, whose offices at 55 Upper Sackville Street, Dublin, were destroyed, have removed to 14 South Frederick Street, Dublin.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVI, No. 5.]

November, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

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[FOR CIRCULATION
AMONGST MEMBERS

Ballot for Council.

The ballot for election of Council will be held on Tuesday, 21st November, from 11 to 1 o'clock, in the Secretary's Office, 33 Molesworth Street, Dublin. Voting papers should reach the Secretary not later than one o'clock on 21st inst.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock p.m., on Tuesday, 28th November, in the Molesworth Hall, Molesworth Street, Dublin.

Meetings of the Council.

October 4th.

Twenty-eight Members present.

Library.

The Council authorised the Library Committee to select and purchase such law books as are in frequent demand for use by members. The expenditure thereon to be £300.

Destruction of Records.

Letters were read from members in reference to the destruction of deeds and records in the Land Commission Examiners' Offices, and the Accountant-General's Office, at the Four Courts, and the letters were referred to the Special Committee dealing with this subject.

Courts and Offices.

Reports were submitted of work done by a joint Committee consisting of some members of the Bar Council and of some members of this Council, formed for the purpose of securing provision of more suitable premises than King's Inns for Courts and Offices. The work done by the Committee was approved of by the Council.

October 18th.

Twenty-four Members present.

Death of Sir A. F. Baker.

The Council passed a resolution expressing its deep regret at the death of Sir Augustine F. Baker, a past President of the Society, and conveying to his relations the sympathy of the Council in their bereavement.

Judicial Commission.

A report from the Privileges Committee in reference to the proposal announced by the Government to appoint a Commission to report upon administration of the Courts of Justice in Ireland was submitted. The report stated that the Committee were taking steps to secure that the profession be represented on the Commission, and the Committee were also seeking the assistance of Country Members to formulate suggestions to be submitted to the Commission.

Courts and Offices.

In response to a communication received in reply from the Legal Adviser of the Government inviting the Council to nominate some members to meet him and representatives of the Bar Council to inspect plans for Courts and Offices in Dublin Castle, the Council nominated four members for the purpose.

Obituary.

MR. MARTIN HUGGARD, Solicitor, died upon the 12th August, 1922, at Dublin.

Mr. Huggard was admitted in Hilary Term, 1865, and practised (in partnership with Mr. John R. Brennan, under the style of Messrs. Huggard and Brennan) at Wexford and Gorey.

Mr. Henry F. Martley, Solicitor, died upon the 28th August, 1922, at his residence, "Glenville," Stillorgan Road, Dublin.

Mr. Martley was admitted in Easter Term, 1869, and practised (in partnership with Mr. Wilfred L. Barlee, under the style of Messrs. Martley and Barlee) at 30 Westland Row, Dublin.

He had been a member of the Council of the Society for some years.

MR. RICHARD GRANT PILKINGTON, Solicitor, died upon the 1st September, 1922, at Foxrock, County Dublin.

Mr. Pilkington was admitted in Michaelmas Term, 1863, and had practised at 59 Harcourt Street, Dublin, for a number of years.

MR. GEORGE K. SHERLOCK, Solicitor, died upon the 1st October, 1922, at his residence, Roundhill House, Bandon.

Mr. Sherlock was admitted in Trinity Term, 1859, and practised at Bandon.

He occupied the position of Sessional Crown Solicitor for the West Riding of County Cork for a number of years, and had recently been appointed Sessional State Solicitor for the same district.

MR. SAMUEL CUNNINGHAM, Solicitor, died upon the 4th October, 1922, at Banbridge.

Mr. Cunningham was admitted in Trinity Sittings, 1882, and practised (under the style of Messrs. Cunningham and Crothers) at Banbridge.

SIR AUGUSTINE F. BAKER, Solicitor, died upon the 7th October, 1922, at 56 Merrion Square, Dublin.

Sir Augustine was admitted in Hilary Sittings, 1878, and practised (in partnership with Mr. James P. Ringwood and Mr. Frank V. Gordon, under the style of Messrs. Baker, Ringwood and Gordon) at 5 Clare Street, Dublin.

He was a member of the Council of the Society from 1889 to 1918, and was President of the Society for the year, 1902-03.

MR. THOMAS MERRICK, Solicitor, died upon the 11th October, 1922, at "Burncleuth," Ailesbury Road, Dublin.

Mr. Merrick was apprenticed to his father, the late Mr. Thomas Merrick, Fleet Street, Dublin; was admitted in Hilary Sittings, 1885, and practised at 45 Fleet Street, Dublin.

MR. EDWARD MCFADDEN, Solicitor, died upon the 16th October, 1922, at Harrogate.

Mr. McFadden was admitted in Trinity Sittings, 1886, and practised at Letterkenny.

Appointments.

The following Solicitors have been appointed by the Provisional Government to be District Justices:—

- Mr. Louis J. Walsh, of Maghera, at Letterkenny, for District No. 1.
- Mr. J. Crotty, of Wexford, at Donegal, for District No. 2.
- Mr. John J. Molloy, of Birr, at Carrick-on-Shannon, for District No. 4.
- Mr. George P. Cussen, of Dublin, at Dublin, for District No. 11.
- Mr. John Forde, of Dundalk, at Oughterard, for District No. 12.
- Mr. Dermot F. Gleeson, of Nenagh, at Ennis, for District No. 16.
- Mr. Bartholomew J. Goff, of Dublin, at Kilkenny, for District No. 18.

Registrations of Judgments, etc.

Messrs. Stubbs' Year Books and Gazette Indexes for six years, 1917-22, inclusive, which contain an index of information for six years, 1916-21, inclusive, relating to Bankruptcies, Deeds of Arrangement, Petitions for Arrangement, Bills of Sale, and Judgments in Ireland, are among the books which can be obtained by members from the Secretary's Office, 33 Molesworth Street.

Solicitors' Golfing Society.

The above Society held their Autumn Competition at Portmarnock, on Thursday, the 28th Sept. There were forty-eight competitors, of whom Mr. Plunkett Kenney was the best with a nett score of 78; Master Denning and Mr. Tracy tying for second place with a score of 80.

Mr. D. Sullivan won the prize for best gross with 85, and Mr. Chidley won the prize for the best 9 holes with 36½.

In the afternoon foursome sweepstakes were played. Mr. James Moore and Master Denning were returned the winners, with Messrs. McAreevy and Porter second.

Solicitors' Bill (Northern Ireland).

The above Bill, which has passed the House of Commons and the Senate of Northern Ireland, confers upon the Incorporated Law Society of Northern Ireland the powers and duties in Northern Ireland which the Incorporated Law Society of Ireland hitherto possessed and discharged under the Solicitors (Ireland) Act, 1898, for the whole of Ireland.

Those apprentices serving at present to Solicitors in Northern Ireland who were apprentices on the first day of October, 1921, can continue their lectures and pass their examinations under the Incorporated Law Society of Ireland.

Examinations Results.

At the Preliminary Examination, held on the 5th and 6th October, the following passed the examination, and their names are arranged in order of merit:—

1. Thomas C. Williams.
2. James J. Hickey.
3. James A. Rice.
4. Joseph Murray.
5. Joseph O'Dwyer.
6. Mark F. Conroy.

Edward A. Margetson passed the modified Preliminary Examination, for which he had liberty to present himself.

Nine candidates attended: 7 passed; 2 were postponed.

PRELIMINARY EXAMINATION PRIZES, 1922.

A Silver Medal was awarded to John H. Bergin.

At the Intermediate Examination, held upon the 10th October, the following passed the examination, and their names are classed and arranged in order of merit:—

CLASS I.

1. Robert Erskine.
2. John S. O'Connor.
3. Laurence Kirwan.
4. Michael J. Allen.
5. Frank Thornton.
6. Denis J. Bergin.
7. Charles S. Quinlan.

CLASS II.

1. Timothy J. Regan.
2. James P. Coghlan.
3. Patrick J. McGrath.
4. Patrick S. O'Grady.
5. Francis J. McKenna.
6. Allen G. Mullen.
7. Frederick H. Charles.
8. Dermot M. McDowell.
9. Derrick M. Martin.

Twenty-five candidates attended: 16 passed; 9 were postponed.

At the Final Examination, held on the 11th, 12th and 13th October, the following passed the examination, and their names are arranged in order of merit:—

1. John M. Salmon.
2. Charles J. Downing.
3. James J. Matthews.
4. Patrick Glynn, B.A., T.C.D.
5. Joseph J. Little.

A Special Certificaté was awarded to John M. Salmon.

Eleven candidates attended: 5 passed; 6 were postponed.

Scholarships, 1922.

The Findlater Scholarship was awarded to Christopher T. F. Russell, B.A., N.U.I., who obtained a Gold Medal at the October, 1921, Final Examination. He served his apprenticeship with Mr. Maurice Healy of Cork.

The Overend Preliminary Examination Scholarship was awarded to John H. Bergin, who is serving his apprenticeship with his father, Mr. M. S. Bergin, of Dublin.

The Overend Final Examination Scholarship was awarded to James Hanna, who obtained a Silver Medal at May, 1922, Final Examination. He served his apprenticeship with Mr. Herbert McWilliam, of Ballybay.

New Solicitors.

The following have been admitted from April to October, 1922:—

Name	Served Apprenticeship to
Erskine, Joseph Charles	F. L. Brownrigg, Dublin
Fottrell, Henry B.	Morgan Fottrell, Dublin
Hanna, James	Herbert McWilliam, Ballybay
Kavanagh, John Joseph	P. J. Kavanagh, Cork
Kearney, Joseph	Thomas Conway, Tullamore
Lynch, John Francis	James Lynch, Ennis
	McMahon
Morrow, James	Robert Marshall, Belfast
Noonan, Maurice F.	Patrick J. Liston, Rathkeale
O'Neill, Thomas	Richard C. Meredith, and Richard H. Hudson, Tralee
Purefoy, Thomas Amyrtd	James Robinson, Dublin
Wray.	
Quinn, Henry J. A.	John Quinn
Trainor, Leo F.	M. A. Corrigan, Dublin
Walsh, John Joseph	F. G. Sharpe, Dublin
White, William T.	William X. White, Maryborough

Examinations, January, 1923.

The Final Examination will be held on 3rd, 4th and 5th January. Notices from apprentices of their intentions to attend the examination should be lodged in the Secretary's Office, 33 Molesworth Street, Dublin, before 15th December.

The Preliminary Examination will be held on 9th and 10th January. Notices of intentions to attend the examination should be lodged in the Secretary's Office, 33 Molesworth Street, Dublin, before 15th December.

Both of these Examinations will be held in the Royal College of Surgeons, Saint Stephen's Green, West, Dublin, at 10 o'clock a.m., each day.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVI, No. 6.]

December, 1922.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

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Vol. XVI., No. 6.]

December, 1922.

[FOR CIRCULATION
AMONGST MEMBERS]

Meetings of the Council.

1st November.

Twenty-four Members present.

Destroyed Records.

It was resolved that the Destroyed Records Committee should have an interview with the Accountant-General of the Supreme Court to discuss questions arising out of the destruction of the records of his office.

Courts and Offices.

A report was read from the Committee dealing with matters arising out of the proposed transfer of the Courts and Offices to Dublin Castle. The report dealt with the allocation of various rooms for Courts and Offices as a consequence of an inspection of the rooms by the Committee. The report was adopted, and copies directed to be sent to the Lord Chief Justice, the Law Officer, and Sir Philip Hanson, Commissioner of Public Works.

Annual Report.

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

15th November.

Twenty-six Members present.

District Justices.

A letter was read from the Minister for Home Affairs informing the Council of the names of fourteen District Justices, seven Barristers and seven Solicitors, who had been appointed, and enclosing particulars of the areas over which the new District Justices will operate. The letter further stated that in addition to the fourteen there would be eight others acting for the present in an auxiliary capacity.

Register of British Stocks.

The President stated that he had been requested to co-operate with representatives of Banking interests, the Stock Exchange, and the Chamber of Commerce to secure the retention at the Bank of Ireland, Dublin, of the registers of British Stocks held by persons resident in the Free State.

The Council passed the following resolution:—

“RESOLVED.—The Council of the Incorporated Law Society of Ireland, having considered the proposal to transfer the Register of British Government Securities from the Bank of Ireland, Dublin, so far

as such Register affects persons residing in the Irish Free State, to the Bank of England, London, desire to put on record their considered opinion that the proposed transfer would cause great inconvenience to and involve considerable trouble and expense to the investing public of the Irish Free State; and further, that such a transfer would amount to a breach of faith with the Government Stockholders of Southern Ireland—not only large holders of Government Securities, but also the important class of thrifty and saving small investors—who subscribed for Government Funds on the faith of definite pledges that such Funds could be dealt with in the Bank of Ireland, Dublin, thereby assuring to these Stockholders a speedy and inexpensive method of realising their investments, if, required.

“The Council also desire to point out that the proposed transfer would go far to debar the Irish Investor from investing his savings in a form of security which has hitherto been regarded as the most desirable on account of the facility, cheapness and rapidity with which it could be bought and sold.

“That copies of this resolution be sent to the President and Minister of Finance of the Irish Free State, to the Chancellor of the British Exchequer, to the Governors of the Bank of Ireland, the President of the Dublin Chamber of Commerce, and the President of the Dublin Stock Exchange.”

22nd November.

Twenty Members present.

The Senate.

The Council met specially to consider letters from the President of the Provisional Government requesting the Council to forward to him a list of names from which a choice might be made in deciding the nominations for the Senate. After consideration it was resolved to forward a list of eight members of the Society, and to adjourn until the 24th inst., when the names would be decided on.

24th November.

Twenty-one Members present.

The Senate.

The Council met specially to decide on eight names of members of the Society to be forwarded to the President of the Provisional Government. It was decided to forward the names of the following members:—Patrick J. Brady, Charles G. Gamble, William J. Shannon, C. St. G. Orpen, T. G. Quirke, J. J. Horgan, J. E. MacDermott, and H. J. Concanon.

The President of the Society.

The Council have elected Mr. Joseph Edward MacDermott to be President of the Society for the ensuing twelve months. The newly-elected President was admitted in Michaelmas Sittings, 1880, was elected a member of the Council in 1911, and was a Vice-President in 1913-14. He is a leading member of the profession in the City of Dublin, and is well known in hunting circles, being prominently identified with the Ward Union Hunt.

Obituary.

MR. FLORENCE A. GREENE, Solicitor, died upon the 4th November, 1922, at Dublin.

Mr. Greene served his apprenticeship with his father, the late Mr. Roger Greene, 11 Wellington Quay, Dublin; was admitted in Michaelmas Sittings, 1907, and practised in partnership with his brother Mr. Thomas J. Greene, under the style of Roger, Greene & Son, at 11 Wellington Quay, Dublin.

MR. JAMES S. BERNARD, Solicitor, died upon the 11th November, 1922, at his residence, Granite House, Pembroke Road, Dublin.

Mr. Bernard was admitted in Hilary Sittings, 1901, under the provisions of Section 29 of the Solicitors (Ireland) Act, 1898, and practised, under the style of George Bernard & Son, at 12 Upper Ormond Quay, Dublin.

MR. JOHN CRAIG DAVIDSON, Solicitor, died upon the 30th November, 1922, at his residence, St. Fintan's, Baily, County Dublin.

Mr. Davidson was admitted in Easter Sittings, 1915, under the provisions of Section 29 of the Solicitors (Ireland) Act, 1898, and practised in partnership with Mr. Norris Goddard, under the style of Norris Goddard and Davidson, at 1 Upper Mount Street, Dublin.

Commissioners to Administer Oaths.

The Lord Chief Justice has appointed the following to be Commissioners to administer Oaths:—

Robert W. Sherlock, Solicitor, Bandon.
Thomas P. Grainger, Solicitor, Macroom.
James P. Coghlan, Solicitor's Apprentice,
New Ross.

John Larkin, Auctioneer, Balbriggan.
Francis Poyntz, Solicitor's Managing
Clerk, New Ross.

Louis C. Sweeny, Clerk of Petty Sessions,
Castlereagh.

John J. O'Sullivan, Clerk of Petty
Sessions, Macroom.

William P. B. Buttimer, Journalist,
Queenstown.

William Bannon, Town Clerk, Bal-
briggan.

Hugh Flood, Auctioneer, Ballymahon.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society was held in the Molesworth Hall, Dublin, on Tuesday, 28th November, Mr. Patrick J. Brady (President) in the chair.

The following members were also present: A. D. Orr (Vice-President), J. W. Dyas (Vice-President), W. G. Bradley, E. H. Burne, E. N. Edwards, W. H. Fry, C. G. Gamble, William Henry, J. E. MacDermott, T. F. Monks, James Moore, Sir John O'Connell, A. H. S. Orpen, T. G. Quirke, Patrick Rooney, P. M. Seales, W. T. Sheridan, A. W. Stirling, Basil Thompson, R. G. Warren, C. P. Wilson, Sir George Roche, C. St. G. Orpen, F. C. E. Bland, H. D. Draper, Edward S. Lowe, D. B. Dunne, Ernest S. Lowe, E. R. Bate, O. P. Beaté, R. A. O'Brien, Ivan Howe, H. R. Whelan, James Brady, Edward Condell, J. J. L. Murphy, P. J. Sheridan, E. J. French, R. D. English, Sean O hUadhaigh, J. P.

Collins, E. J. Mallins, J. McDermott, V. Kennedy, R. D. Orr, W. S. Barrett, Q. W. Kennedy, B. M. O'Grady, M. J. O'Farrell, Michael Dawson, J. J. Beatty, W. Beatty, F. C. Pilkington, G. A. Byrne, P. N. Murphy, W. H. Geoghegan, H. R. Maunsell, H. J. W. Downey, S. M. Bell, T. H. R. Craig, F. S. D. Colquhoun, and L. Webb.

The Secretary read the notice convening the meeting, also the minutes of the Half-yearly General Meeting, held on 16th May last, which latter were signed by the President, who also signed the audited accounts of the Society for year ending 30th April, 1922.

The Secretary read the Report of the Scrutineers of the Ballot for Council for year ending 26th November, 1923, which stated that the following had been returned as Provincial Delegates: Thomas M. Greer (Ulster), James S. Gaffney (Munster), Michael Buggy (Leinster), and Henry J. Concanon (Connaught); and the following, having obtained the number of votes placed after their names, had been elected as the thirty-one ordinary members of the Council:—P. J. Brady, 230; W. S. Hayes, 204; T. G. Quirke, 202; J. W. Richards, 194; J. E. MacDermott, 193; C. G. Gamble, 190; A. H. S. Orpen, 188; R. G. Warren, 182; W. V. Seddall, 182; E. H. Burne, 180; W. G. Bradley, 177; Basil Thompson, 177; Frank Fottrell, 177; W. T. Sheridan, 175; A. D. Orr, 173; J. H. Walsh, 171; James Moore, 171; Peter Seales, 168; R. B. White, 163; E. N. Edwards, 161; T. F. Monks, 158; C. P. Wilson, 156; Sir J. R. O'Connell, 153; W. H. Fry, 152; J. W. Dyas, 151; Patrick Rooney, 145; William Henry, 144; R. N. Keller, 143; M. L. Hearn, 140; A. W. Stirling, 134; L. F. Kenny, 127; and the following to form a supplemental list to fill vacancies:—Thomas Early, 113; James O'Connor, 94; and R. D. English, 62.

THE PRESIDENT, in moving the adoption of the Annual Report; thanked the members of the Society for expressing their confidence in the outgoing Council by re-electing all its members for the coming year. The President expressed deep regret at the deaths of two members of the Society, which had occurred since the last half-yearly

meeting—Mr. Reginald Andrews and Sir Augustine Baker. Mr. Andrews was called away in the prime of manhood. The Council and the first rank of the profession had sustained a great loss in his demise. His friends, and he was one from boyhood, would miss a cultured, kindly Irishman of spotless honour and integrity. One of the most distinguished of the older generation passed away in the person of Sir Augustine Baker, who filled the position of President of the Society in 1903. He was a Solicitor who united with marked ability a kindly and genial nature which endeared him to a large circle of friends. At the time of their respective deaths the Council tendered their genuine sympathy to the relatives of Mr. Andrews and Sir Augustine Baker. Speaking for the Society as a whole, he desired to express their deep regret for the loss of two such colleagues.

The President, continuing, said that the destruction of the Four Courts involved the loss of their splendid premises, which were so intimately associated for so many years with the active pursuit of their profession. It was to be borne in mind that the Solicitors' Buildings were the private property of the Society, and held under a lease practically for ever at a nominal rent. A claim had been made by the Society of £300,000 in respect of these premises, and, in common with all other claims, the matter was still pending.

They continued to work under great disadvantages, not only to the profession, but to the students and the general public. The destruction of these premises was a loss of an exceptional character.

Solicitors' work was intimately associated with the general administration of the country. In fact, in a sense it could be described as semi-official. Their work was the medium of bringing into the coffers of the National Exchequer, in the shape of estate duties, stamp duties and other fees, very large annual amounts. Therefore, the longer the profession was hampered in the discharge of its important duties, the longer difficulties were placed in the way of legal administration.

They had had more than one opportunity of placing their position before the Government authorities. In this connection he

should like to take the opportunity on behalf of the Council and the profession generally, of acknowledging the courtesy and facilities afforded them at all times by the Government departments concerned in dealing with various pressing matters. Mr. Hugh Kennedy, the Law Officer of the Provisional Government, had been particularly kind to them, notwithstanding his onerous public work. He had been at all times most accessible, and had given the most patient hearing to their various representations, and generally had shown a desire to do everything in his power to promote the interests of their profession.

A Committee of the Council had worked with a Committee of the Bar Council with a view to securing better accommodation for the courts and offices than that afforded in the King's Inns. A portion of the Upper Castle Yard had been allocated for that purpose, and it was hoped that early in the New Year the courts and offices would be transferred from Henrietta Street to their new quarters.

As they were aware, the Government contemplated setting up, at an early date, a Committee which was to consider the whole judiciary system. The importance to their profession of such a tribunal could not be over-estimated. Accordingly, the Council had set up a number of Sub-Committees, charged with the consideration of questions affecting the several branches of the High Court, and the County Court, with a view to being in a position at the proper time to offer evidence to the Committee. Their Secretary was in communication with various Sessions Bars throughout the Free State inviting them to send him their suggestions as to legal reform. He had already received numerous replies to his invitations, and he wanted to make it perfectly clear that the Council were most anxious to obtain suggestions of this kind from practitioners throughout the Free State, and it should be remembered that in this matter the Council was acting on behalf of the whole profession.

The changes recommended by this Committee might involve the entire profession, and in many respects the interests of both country Solicitors and Dublin Solicitors

would be equally affected. Nevertheless, individual Solicitors or any body of Solicitors who desired to make suggestions or give information of any kind based on their professional experience, could rest assured that they would receive from the Council every encouragement. The Council was only too willing and anxious to co-operate with such Solicitors in placing before the Judiciary Committee the considered views of the profession as a whole.

The Council would welcome the presentation of their views, by country Solicitors, either through the medium of the Council or independently. Personally, he thought much practical good would be achieved by a conference in Dublin between country Solicitors and the Council. Such an exchange of views would necessarily be productive of much common good.

It was anticipated that the terms of reference of the Committee would be comprehensive. Article 67 of the Constitution provided that :

“ the number of Judges, the constitution and organisation of and distribution of business and jurisdiction among the said Courts and Judges, and all matters of procedure, shall be as prescribed by the laws for the time being in force and the regulations made thereunder.”

It would thus be seen that the findings of that Committee might be very far-reaching in their effect on the future of the legal professions:

An important matter which had been engaging the attention of the Council since the issue of the Report was the constitution of the Senate. They would remember that a resolution was adopted by the Dail, under which the President of the Free State, in nominating members to the Senate with a view to the providing of representation for groups or parties, was to consult with representative persons and bodies, amongst the latter being that Society. In accordance with that resolution they received from the President a request that that Society would forward to him nominations for the Senate.

In compliance with that request the Council had selected and forwarded names to the President to assist him in making a selection. He was at liberty to say that in the making

of their selection the Council did not confine themselves exclusively to selection from its own members. They did not at present feel themselves at liberty to publish these names, regarding them as confidential communications between the Government and themselves.

Their Society's valuable Library was included in the destruction of the Four Courts, and they had begun to acquire books for the purpose of the formation of a new Library. Already, he was glad to say, they had a considerable nucleus. Assistance in this respect from members of law books not required by them would be gratefully accepted.

They would, no doubt, have observed with satisfaction that, notwithstanding the difficult times through which the Society was passing, they had been enabled to continue the education and examinations of their apprentices. They had been laid under a great debt of gratitude by the courtesy of Sir William De Courcy Wheeler, the President, and the Council of the Royal College of Surgeons, who had placed their very handsome hall at their disposal for examinations and one of their smaller halls for lectures. He desired to acknowledge the courtesy and kindness in this matter of the Registrar of the Royal College of Surgeons.

He was convinced that the Solicitors' profession was destined to play a very important part in the work of their new Constitution. They were an influential and widespread body. They could do much to promote fellowship and good-will amongst Irishmen of all creeds, religious and political. He believed that the spirit of peace was breathing over their beloved land.

A fine example was set on the previous night in the British House of Commons in the unanimity displayed in reference to the Treaty by all parties. Here were assembled men who in the past held diametrically opposed views, but who unhesitatingly and chivalrously wiped out the past to ensure a bright future for Ireland. Why could not Irishmen do that? To-day, speaking on behalf of their profession, so intimately associated as they had been with the life and well-being of this country, he did not hesitate to appeal to all his fellow-countrymen

to forget their past differences and, without any sacrifice of principle, agree to work together for their beloved land.

He hoped that when his successor was addressing them next May he would be in the happy position of assuring them that many, if not all, of their difficulties had disappeared, and that their profession would be playing a large and honourable part in a new and happier Ireland.

Mr. A. D. ORR seconded the adoption of the Report.

SIR GEORGE ROCHE congratulated the Council upon their re-election for the coming year. Having regard to the troubled times they had gone through, he thought that the Council had furnished them with a very satisfactory report, which had been wonderfully supplemented by the address of the President. He sincerely trusted that their President would continue to occupy his position on the Council for many years to come.

He was glad to see that many of the gentlemen upon the platform represented some of the junior members of the profession. He had heard a complaint from a number of country Solicitors that their interests were not looked after; but when he was a member of the Council they did as much as possible to further the interests of the country Solicitors, but they found it very difficult to get them to make suggestions as to what they wanted. If they now stated what they required done, he was satisfied that the Council would appreciate any suggestions they made and carry them out.

Mr. SEAN O h-UADHAIGH said that there was a certain disposition in the city to refuse to render the facilities to members of their profession to which they had been accustomed. He might say that he had no personal feeling in the matter, but he would ask, in the interest of the profession, that the Society should take official cognisance of the matter; otherwise it might become a practice. On Wednesday last he had been engaged in an arduous case, which involved the liberties and lives of twelve or thirteen individuals; he applied for an interview with his clients, who were in military custody, the case bringing into question the validity of military courts.

Mr. O h-Uadhaigh then complained that, although he repeatedly telephoned to the military authorities, he did not obtain admission to Kilmainham to interview his clients until twenty past twelve next day. When he went to leave the prison and got to the gate he was told that there was no authority to let him leave the prison, although he explained that he was a Solicitor and stated the object of his visit. After some time he was permitted to leave.

If members of the profession trying to carry out their duties in serious cases were to be subjected to the further disadvantage of being detained in military custody at the caprice of any officer, it would make things more difficult than they were already, and he thought, in the interest of the general body, that the profession should stand together in this matter and send in a protest.

Mr. JAMES BRADY said that he thought Mr. O h-Uadhaigh's course should have been to bring an action for false arrest and imprisonment, and the whole thing would be threshed out. They knew that those in control had very difficult and arduous tasks to perform, and they were doing their duty to the best of their ability to all concerned.

Some better arrangement should be made with regard to allowing Solicitors to interview prisoners, because at present the task was very objectionable. A similar difficulty arose after the rebellion of 1916, and as a result of the action of the Council and an interview with Sir John Maxwell they obtained permits which served their purpose. This matter should now be remedied. Referring to the election of members to the Senate, he was of the opinion that the selections should have been made by a vote of the entire body.

Mr. THOMAS R. CRAIG said their Society should insist on their right to interview clients in custody at all times, especially in a matter involving life and death.

Mr. T. G. QUIRKE said this matter should be very seriously taken up by the Council. If it had been brought before the Council at the time, representations would have been made with very good effect, as in the time of Sir John Maxwell. This grievance struck at the root of their profession. He thought that the matter should

be taken in hands at once by the new Council, so that a repetition of what had been mentioned would not occur again.

THE PRESIDENT said he was very glad that Mr. O h-Uadhaigh had raised this question. He might take it as the official view of the Council that every facility should be afforded to professional advisers in cases of this kind. This was not an entirely new matter, because Mr. Wakely and he had brought under the personal notice of a very prominent member of the Government this question of giving facilities to members of the Society to interview their clients who happened to be in prison. The Council would always be most zealous of that right.

He was sorry that the matter had not been brought to his notice last Thursday morning, when they would have brought the matter to the notice of the Provisional Government.

He agreed with Mr. Brady that it would have been a very desirable thing to have an opportunity of consulting the Society as a whole with reference to the nominations to the Senate, but owing to the short time at their disposal it was impossible to do so, and the Council had acted in the matter on behalf of the Society.

The resolution adopting the Report was then passed.

Mr. ORR (Vice-President) having taken the second chair, a cordial vote of thanks was passed to the President, on the motion of Sir George Roche, seconded by Mr. Bate, and the President returned thanks.

Library.

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

Calendars of the Society for the years 1906, 1909, 1911 to 1920 (inclusive), from Sir George Roche.

Two bound volumes of the Society's Annual Reports from 1876-1902 (inclusive), and unbound copies of same from 1902 to date (except for year 1913), and a collection of reports on various matters, issued by the Council in past years, from Mr. W. Houghton Fry.

Irish Law Reports, 13 vols., 1839-52, and Irish Equity Reports, 13 vols., 1839-52, from Mr. William S. Hayes.

Thirteen volumes of Thom's Directory, from Messrs. Bennett Thompson & Edwards.

Two volumes of Statutes and De Moleyn's Landowners' Guide, last edition, from Mr. P. B. Shiel.

Mecredy's Law of Fee Farm Grants, from Mr. T. J. Bergin.

Compensation for Destruction of Property.

The form prescribed by the Minister of Finance, pursuant to resolution of Dail Eireann of 1st November, 1922, for claiming compensation in respect of damage to or destruction of property inflicted since the 11th July, 1921, should be prepared in triplicate and sworn before a Commissioner for Oaths, and the original lodged with the Clerk of the Crown and Peace for the area in which the damage or destruction occurred. The copies to be sent to the Secretary, Ministry of Finance, Upper Merrion Street, Dublin (the envelope containing this copy to be marked on top left-hand corner "Compensation Claim"), and to the Secretary of the County Council or Town Clerk of the County Borough Council concerned may be certified copies of the original.

Irish Probates and Administrations.

In the Principal Probate Registry, Somerset House, London, there are Annual Calendars, or Indices, of all Irish Probates and Administrations from 1858 to 1917, inclusive, identical with those kept in the Irish Probate Registry. The English Calendars at Somerset House from 1858 to date contain all Irish Grants re-sealed in England.

Not more than five years, but any five years from 1858, can be searched, by requisition. The fee for search for one year is one shilling and sixpence, and for each succeeding year sixpence. Communications should be addressed to the Record Keeper, Probate Registry, Somerset House.

High Court Sittings, 1923.

Hilary Sittings begin 11th January and terminate 28th March.

Easter Sittings begin 11th April and terminate 16th May.

Trinity Sittings begin 30th May and terminate 31st July.

Michaelmas Sittings begin 25th October and terminate 21st December.

Hilary Sittings Lectures, 1923.

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

JUNIOR CLASS.

January, 11, 15, 18, 22, 25, 29.

February 1, 5, 8, 12, 15, 19.

SENIOR CLASS.

January 12, 16, 19, 23, 26, 30.

February 2, 6, 9, 13, 16, 20.

JEFFARES v. ARMSTRONG.

re RICHARD CRAWLEY; Deceased.

Would Solicitors interested in above old Suit communicate with Collis & Ward, 13 Clare Street, Dublin.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVI, No. 7.]

January, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVI., No. 7.]

January, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

6th December.

Twenty-seven Members present.

Election of President and Vice-President.

The Council elected Mr. Joseph E. MacDermott to be President of the Society, and Mr. Arthur W. Stirling and Mr. Peter Seales to be Vice-Presidents of the Society for the ensuing twelve months.

Solicitors' Privileges.

The question of Solicitors' rights to interview clients who are detained in prison, which had been referred to at the Half-yearly Meeting of the Society, was considered, and it was decided to address a communication to the Minister of Defence on the subject.

Compensation for Destroyed Property.

Letters were read from members of the Society in reference to the question of remuneration of Solicitors for the preparation of the forms prescribed by the Minister of Finance for claiming compensation for damage inflicted since 11th July, 1921. Pending the introduction of legislation dealing with such claims, no definite reply as to the mode of remuneration for the necessary proceedings could be given by the Council.

13th December.

Twenty-six Members present.

Extra-Ordinary Members.

The names of the following were submitted for election as Extra-ordinary Members of the Council for the year ending 26th November, 1923:—By the Incorporated Law Society of Northern Ireland—Mr. S. G. Crymble (President), Mr. Allen, Mr. McCutcheon, Mr. Turnbull, and Mr. Wood. By the Southern Law Association—Mr. Deyos (President), Mr. Exham, Mr. Horgan, Mr. P. J. Kavanagh, and Mr. Lane. The ten whose names were submitted were elected.

Statutory Committee.

The Secretary reported that the Lord Chief Justice of Ireland had appointed the following members of the Council to be the Statutory Committee for the year ending 26th November, 1923:—Mr. MacDermott, Mr. Brady, Mr. Gamble, Mr. Quirke, Mr. Seddall, Mr. Warren, and Mr. White.

Solicitors' Privileges.

A letter in reply was read from the Secretary of the Minister of Defence, enclosing a copy of an instruction dated 23rd November, 1922, issued by the Army authorities in reference to visits to prisoners by their legal

advisers. The instruction provides the conditions under which prisoners, charged and awaiting trial, may receive visits from Solicitors and Counsel. The instruction deals only with visits to prisoners "charged and awaiting trial by Military Court," and states that in no other case shall a Solicitor be permitted to visit a prisoner without the previous authority of the Adjutant-General. In relation to this last proviso the Council decided on further steps to be taken.

The Governor-General.

The following resolution was adopted, and a copy directed to be sent to the Governor-General:—

"Resolved—The Council of the Incorporated Law Society of Ireland beg to tender to Mr. T. M. Healy, K.C., their congratulations and good wishes on his appointment to the office of Governor-General of the Irish Free State. The Council earnestly hope that under his Governorship the Free State may rapidly become a peaceful and prosperous country."

Solicitors' Annual Certificates

Members are reminded that their annual certificates for the year ending 5th January, 1924, should be taken out and the duties paid thereon before the 6th February, 1923. The Certificates of Solicitors practising in the Free State are issued in the Office of the Secretary of the Incorporated Law Society of Ireland, 33 Molesworth Street, Dublin, and the duty is payable at Jury's Hotel, College Green, Dublin.

The certificates of Solicitors practising in Northern Ireland are issued in the Office of the Secretary of the Incorporated Law Society of Northern Ireland, 2 Rosemary Street, Belfast, and the duty is payable at the Inland Revenue Offices, Belfast.

Found

In the Molesworth Hall, after the General Meeting of the Society on 28th November last, a pair of spectacles. Apply at the Secretary's Office, 33 Molesworth Street.

Obituary.

MR. ROBERT S. BAYLOR, Solicitor, died upon the 22nd December, 1922, at The Mercy Nursing Home, Cork.

Mr. Baylor was admitted in Trinity Sittings, 1889, and practised at Fermoy.

MR. RALPH NASH, Solicitor, died on 24th December, 1922, at St. John's Hospital, Limerick.

Mr. Nash was admitted in Hilary Sittings, 1883, and practised at Limerick up to the year 1912, when he retired.

He was Registrar to the County Court Judge of Limerick for some years.

MR. CONYERS BAKER, Solicitor, died upon the 24th December, 1922, at London.

Mr. Baker served his apprenticeship with the late Mr. Walter Nolan, Cahir, and the late Mr. George H. Sargent, Cahir; was admitted in Hilary Sittings, 1909, and practised at 86 Merrion Square, Dublin, up to the year 1912, when he went abroad.

New Members.

The following have joined the Society:—

Thomas O'Neill, Castleisland.

Joseph C. Erskine, 5 Hume Street, Dublin.

John M. Salmon, Naas.

John McM. Lynch, Ennis.

John J. Walsh, 6 Dawson Street, Dublin.

Arthur C. Houlihan, Roscrea.

Commissioners to Administer Oaths.

The Lord Chief Justice has appointed the following to be Commissioners to administer Oaths:—

George W. Beaumont, Solicitor, 13 Clare Street, Dublin.

John Burke, Solicitor, 63 Upr. Sackville Street, Dublin.

William T. Clare, Solicitor, 33 Anglesea Street, Dublin.

Thomas J. Farley, Solicitor, 15 College Green, Dublin.

Robert M. Kieran, Solicitor, 41 Kildare Street, Dublin.

Ernest S. Lowe, Solicitor, 65 Lower Gardiner Street, Dublin.

James G. O'Connor, Solicitor, 44 Westland Row, Dublin.

Rupert W. Oulton, Solicitor, 21 Lower Fitzwilliam Street, Dublin.

Henry T. B. Robinson, Solicitor, 19 St. Andrew Street, Dublin.

James M. Seales, Solicitor, 11 Collège Green, Dublin.

Albert Woodcock, Solicitor, 4 South Frederick Street, Dublin.

Thomas J. Malone, Registrar, District Court, Athlone.

Percy Murphy, Solicitor's Assistant, Carlow.

Powers of District Justices.

Section 6 of the Adaptation of Enactments Act, 1922, passed by the Free State Parliament, provides as follows:—

6. (1) Every power, authority and duty conferred or imposed by any British Statute on a Justice or on two or more Justices acting together shall, as from the passing of this Act, cease to be exercisable or to be performed by such Justice or Justices, and in lieu thereof as respects any act, matter or thing to be done or not done after the passing of this Act, every such power or authority may be exercised and every such duty shall be performed by one District Justice.

(2) Every power, authority and duty conferred or imposed by any British Statute on a Resident Magistrate or on two or more Resident Magistrates acting together shall, as from the passing of this Act, cease to be exercisable or to be performed by such Magistrate or Magistrates, and in lieu thereof as respects any act, matter or thing to be done or not done after the passing of

this Act; every such power or authority may be exercised and every such duty shall be performed by one District Justice.

(3) In this Section (a) the expression "Justice" includes the expression "Justice of the Peace" and does not mean or include a Divisional Magistrate of the City of Dublin, and nothing in this Section shall affect the powers, authority and duties of such Divisional Magistrates; (b) the expression "District Justice" means a Magistrate appointed since the 6th December, 1922, under the British Statute 6 and 7 William IV., Chapter 13.

Library.

The Council acknowledge with thanks the following gifts to the Society's Library received from Mr. E. Reginald McC. Dix:—

Bundle of odd numbers of Society's Gazette.

Some numbers of "The House-Finder" for 1920.

Irish Church Directory, 1901.

Baker: Costs. 1890.

Black & O'Leary: Town Tenants Act. 1906.

Browning & Smith: Registration of Title. 1901.

Clancy: Costs. 4th Edition. 1885.

Clery & Others: Town Tenants. 1907.

De Burgh: The Landowners of Ireland.

Freeth: Death Duties. 2nd Edition. 1897.

Irish Weekly Law Reports, Vol. II. (1896).

Lehane & Moles: Town Tenants' Act. 1906.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVI, No. 8.] February, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVI., No. 8.]

February, 1923.

[FOR CIRCULATION
AMONGST MEMBER

Meetings of the Council.

17th January.

Twenty-five Members present.

The Governor-General.

A letter was read in reply from the Governor-General of the Irish Free State thanking the Council for their resolution of good wishes.

Taxing Officer.

A letter was read in reply from the Senior Taxing Master in reference to the difficulty in carrying on the work of the Taxing Office owing to the want of suitable accommodation. Letters were directed to be written on this subject to the Lord Chief Justice, the Law Officer and the Chairman of the Board of Works.

Land Purchase Acts.

The notice to Solicitors, issued by the Irish Land Commission, in reference to Land Purchase proceedings which had recently appeared in the *Legal Diary*, was referred to the Land Acts Committee, with power to take action in reference to it.

Destruction of Society's Premises.

The Secretary submitted the completed claim for compensation in respect of the destruction of the Society's property at the Four Courts, prepared in triplicate on the form prescribed by the Minister of Finance, and it was resolved that the claim as prepared be lodged.

31st January.

Twenty-eight Members present.

Accountant-General's Office.

It was decided again to take steps with a view to obtaining assistance for the Accountant-General of the Supreme Court in the matter of re-opening the various Accounts under his control.

Taxing Office.

Letters in reply were read from the Lord Chief Justice, the Law Officer, and the Chairman of the Board of Works in reference to accommodation for carrying on the work of the Taxing Office.

District Justices.

A letter was read from the Minister of Home Affairs intimating the names and addresses of twenty-six District Justices (ten Barristers and sixteen Solicitors) who had been appointed. The list appears in this GAZETTE.

Rent Restrictions Act.

A letter was read from the Secretary of the Committee (of which the President of this Society is a member) set up by the Government to enquire into the operation of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and to report on the question of its renewal, inviting information from the Society on the question. At the request of the Council Mr. W. Gordon Bradley undertook to prepare a memorandum and to attend before the Committee.

Obituary.

MR. RICHARD J. O'DONNELL, Solicitor, died upon the 16th January, 1923, at his residence, The Cottage, Carrick-on-Suir.

Mr. O'Donnell served his apprenticeship with the late Mr. Patrick J. Kenny, Carrick-on-Suir; was admitted in Trinity Sittings, 1895, and practised at Carrick-on-Suir.

MR. NORMAN C. CARUTH, Solicitor, died upon the 24th January, 1923, at his residence, Drumard, Ballymena.

Mr. Caruth served his apprenticeship with his father, the late Mr. Alexander Caruth, Ballymena; was admitted in Michaelmas Sittings, 1893, and practised (formerly in partnership with his father) under the style of Messrs. Alexander Caruth and Son, at Ballymena.

MR. RICHARD W. DOHERTY, Solicitor, died upon the 12th June, 1922, at Penzance, England.

Mr. Doherty was admitted in Michaelmas Sittings, 1878, and practised at Bandon.

Land Purchase.

A deputation from the Council have had an interview with the Judicial Commissioner in reference to a Land Commission Notice to Solicitors, which has recently appeared in the *Legal Diary*, dealing with future procedure in cases where allocation takes place after the Closing Day, and at that interview it was arranged that the attention of members should be directed to this matter in the Society's GAZETTE.

The Council desire, accordingly, to draw the attention of members to the urgent necessity of expedition on the part of Vendors' Solicitors, so that allocation should take place before the Closing Day.

The Judicial Commissioner informed the deputation that he is always ready to hear applications in reference to requisitions on title issued by an Examiner which the Solicitor may find himself unable to discharge.

Where the Closing Day has passed before allocation, the Examiner is, by direction of the Judicial Commissioner, not to vouch any sum for Vendor's costs, and in all such cases an affidavit by the Vendor's Solicitor

explanatory of the delay in the case will be necessary on the ruling of the Schedule of Incumbrances by the Judicial Commissioner when the item of the Vendor's costs is being dealt with.

Assessment of Damages to Property.

The Council received, on the 17th January, a joint deputation consisting of Mr. G. P. Sheridan, President, and George F. Beckett, Hon. Secretary, of the Royal Institute of Architects; and Mr. Pierce F. Purcell, President, and Mr. J. Chaloner Smith, Hon. Secretary, of the Institution of Civil Engineers, who urged the Council to use its influence with the members of the Solicitors' profession to secure the employment of professionally qualified persons in the preparation of claims, and the assessment of damages to property, in malicious injuries cases. The Council, in reply, assured the deputation of their sympathy with the views put forward, and intimated that the matter would be brought before the members of the Society in this GAZETTE.

The Council desire to urge on the members of the Society, so far as they may find it practicable, to employ professionally qualified persons for the purposes indicated. The deputation stated that there is no fixed scale of remuneration laid down for this work by either of the bodies represented by the deputation, the matter of remuneration being one for arrangement with the professional person employed. The Secretary of this Society has received lists of the names and addresses of the members of both bodies, and he will furnish to any member of this Society who may apply the names and addresses of the professional men resident in any particular district in Ireland.

District Justices.

The following are the District Numbers, and names and addresses of the District Justices as on 17th January, 1923: The addresses of numbers 7, 8, 13, 14, 20, 23 and 24 are liable to be changed at short notice, but letters will be forwarded.

B denotes Barrister; S denotes Solicitor.

1, Louis Walsh (S), Letterkenny; 2, John O'Hanrahan (S), Donegal; 3, Charles A.

Flattery (S), Sligo; 4, Cyril J. Beatty (B), Carrick-on-Shannon; 5, Matthew J. Hannan (B), Cavan; 6, B. J. Goff (S), Dundalk; 7, William D. Coyne (S), Ballyhaunis; 8, Philip F. Lavery (S), Castlerea; 9, T. A. Finlay (B), Longford; 10, K. S. Reddin (S), Mullingar; 11, G. P. Cussen (S), 41 Kildare St., Dublin; 12, John Ford (S), Galway; 13, John H. Gallagher (B), Ballinasloe; 14, William Meagher (S), Templemore; 15, Edward J. Little (B), Bray; 16, Dermot F. Gleeson (S), Ennis; 17, Joseph M. Flood (B), Limerick; 18, W. G. Price (B), Kilkenny; 19, Patrick P. O'Donoghue (B), Newcastle West; 20, John S. Troy (S), Cappoquin; 21, John J. Molloy (S), Waterford; 22, John V. Fahy (S), White's Hotel, Wexford; 23, R. D. E. Johnstone (S), Grand Hotel, Tralee; 24, Gerald P. Farrell (B), Midleton; 25, James F. Crotty (S), Railway Hotel, Dunmanway; 26, Denis B. Sullivan (B), Cork.

Examination Results.

At the January Preliminary Examination the following passed the Examination, and their names are arranged in order of merit:—

1. John Lombard.
2. John H. M. Walsh.
3. Ita Hogan.
4. George J. Geraghty.
5. Vincent P. Duffy.

James W. Lane passed a modified Preliminary Examination.

At the January Final Examination the following passed the Examination, and their names are arranged in order of merit:—

1. John R. Halpin, B.A., T.C.D.
2. Mary D. Heron, B.A., Q.U.B.
3. Barry St. J. Galvin, B.A., T.C.D.
4. Robert E. Felton, B.A., T.C.D.
5. Patrick H. F. Lavery.
6. Fintan M. O'Connor.
7. James A. Russell.
8. Thaddeus O'Sullivan, B.A., N.U.I.
9. James V. Brady.
10. William St. C. Rice.
11. Joseph P. Black.
12. John D. Ross.
13. Patrick Liston.
14. Timothy J. Regan.
15. Patrick Ryan.
16. Charles S. Doyle.

The Council awarded a Silver Medal to John R. Halpin, B.A., T.C.D., and a Special Certificate to Mary D. Heron, B.A., Q.U.B.

Mr. John R. Halpin, B.A., T.C.D., who obtained first place and a Silver Medal, served his apprenticeship with his father, Mr. W. H. Halpin, Erskine Terrace, Cavan.

Miss Mary D. Heron, B.A., Q.U.B., who obtained second place and a Special Certificate, served her apprenticeship with her uncle, Mr. T. M. Heron, Mayfair, Belfast. She is the first woman to pass the Final Examination for admission as a Solicitor in Ireland.

The Society's Calendar.

The Society's Calendar for 1923 can be obtained at the Society's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

Library.

The Council have purchased a number of those Law Books which are in most frequent demand in Solicitors' Offices, and they are being lent out, and applications for loans made at the Office of the Society, 33 Molesworth Street, will receive attention:

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

From Mr. E. Reginald McC. Dix:—

Calendars of the Society for 1896, 1902 and 1908.

From Mr. C. M. Grimes:—

Bell & Armstrong: Minor Matters, 1876.
Butterworth's Ten Years' Digest, 1898-1907.
Greer: Irish Land Act Cases, 1897.
Madden: Registration of Deeds, 1868.
Maxwell: Digest, 1904-1911.
Odgers: Principles of Pleading, 1892.
O'Sullivan: Key to the Labourers' Acts, 1892.

Powell: Evidence, 1885.
Shelford: Real Property Statutes, 1893.
Watson: Law relating to Cheques, 1904.

From Mr. G. H. Parkes:—

Anson: Contracts, 1886.
Catalogues of Society's Library.
Hemmant & Jordan: Companies, 1907.
Pollock: Contract, 1894.
Ringwood: Torts, 1894.
Williams: Personal Property, 1887.

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THE GAZETTE

OF

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March, 1923.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVI., No. 9.]

March, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

February 14th.

Eighteen Members present.

Grants of Probate and Administration.

It was decided that representations should be made with the object of securing that papers leading up to Grants of Probates and Administrations be retained in the Probate Registry, Dublin Castle, and not returned to the party who lodges them.

Accountant-General's Office.

It was resolved that the Minister for Home Affairs be asked to receive a deputation from the Council on the question of an increase of staff being given to the Accountant-General of the Supreme Court, so as to enable him to open new sets of ledgers containing particulars of the dealings with all the accounts under his control.

Obituary.

MR. CHARLES H. MONSARRAT, Solicitor, died upon the 10th February, 1923, at Seville, Spain.

Mr. Monsarrat was admitted in Hilary Sittings, 1882, and practised at 14 Westmoreland Street, Dublin, up to 1918, when he retired.

MR. MARTIN H. TURNBULL, Solicitor, died upon the 24th February, 1923.

Mr. Turnbull served his apprenticeship with the late Sir Samuel Black, Belfast; was admitted in Michaelmas Sittings, 1887, and practised (recently in partnership with Mr. Thomas D. Cotton) under the style of Messrs. M. H. Turnbull & Co., at 7 Chichester

Street, Belfast. He was a past President of the Northern Law Society, a member of Council of the Incorporated Law Society of Northern Ireland, and for many years past an Extra-Ordinary Member of the Council of this Society.

MR. MICHAEL O'SHEA, Solicitor, died upon the 26th June, 1922, at Kilrush.

Mr. O'Shea served his apprenticeship with the late Mr. Thomas Kelly, Kilrush; was admitted in Trinity Sittings, 1910, and practised at Kilrush.

Judiciary Committee.

The terms of reference to the Judiciary Committee appointed by the Government of the Free State are as follows:—

“To advise the Executive Council of Saorstát Eireann in relation to the establishment in accordance with the Constitution of Courts for the exercise of the judicial power and the administration of justice in Saorstát Eireann, and the setting up of the offices and other machinery necessary or expedient for the efficient conduct of legal business.”

The following are the members of the Committee:—Lord Glenavy (Chairman), the Master of the Rolls, the Attorney-General, Judge Johnston, K.C.; Mr. T. Sullivan, K.C.; Mr. J. C. Meredith, K.C.; Mr. P. J. Brady (ex-President of the Incorporated Law Society of Ireland); Mr. H. Murphy, Solicitor; Mr. L. J. Walsh, Solicitor; Mr. C. Davitt, B.L.; Mr. J. O'Byrne, B.L.; and Mr. W. Hewat (ex-President, Dublin Chamber of Commerce.)

A Committee of the Council have given much consideration to the reference to the Judiciary Committee, as also has the General

Council of Provincial Bar Associations of the Free State, and as a result of a conference between the two bodies one joint report of both bodies has been adopted, containing suggestions for the establishment of Courts and the setting up of legal offices under the Constitution of the Free State, and this report has been forwarded to the Judiciary Committee.

Supreme Court Rule.

The Governor-General of the Irish Free State, by the advice of the Executive Council, and with the concurrence of a majority of the Judges of the Supreme Court and the other persons mentioned in Section 12 of the Judicature Act (No. 2), 1897, made on the 12th March, 1923, the following rule, by virtue of the Judicature Act (Ireland), 1877, and the Adaptation of Enactments Act, 1922:—

ORDER II.

For the purposes of giving effect to Article 75 of the Constitution of the Irish Free State (Saorstát Éireann) Act, 1922, as from the 22nd day of February, 1923, the words "in Southern Ireland" wherever these words occur in any Form now or heretofore in use, shall be deleted, and every Form shall henceforth be headed or entitled with the words "Saorstát Éireann."

The Society's Calendar.

The Society's Calendar for 1923 can be obtained at the Society's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

Library.

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

- From Mr. C. M. Grimes:—
 Bullen & Leake: Pleadings, 1863.
 Butterworth's Twentieth Century Statutes, Vols. 1-10.
 Chitty's Forms of Practical Proceedings, 11th edition.
 Highmore: Stamp Laws, 1900.
 Irish Law Times and Irish Law Times Reports, 1907 to 1917.

Kenny: Outlines of Criminal Law, 4th edition.

Miller: Probate Practice, 1863.

Nolan & Kane: Landlord and Tenant, 3rd edition.

Revised Reports, Vols. 1-51, and two Index Vols.

Roscoe's Nisi Prius Evidence, 2 Vols., 15th edition.

Rules of the Supreme Court, 1905.

Rules of County Court, 1st March, 1890.

Smith: Law of Contracts, 8th edition.

Stephen: Digest of Criminal Law, 5th edition.

Williams: Personal Property, 13th edition.

From Mr. T. V. Davy:—

Wylie's Judicature Acts and Rules, 1895.

From Messrs. Baker, Ringwood and Gordon:—

Baker: Costs, 1890.

Easter and Trinity Sittings Lectures.

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

JUNIOR CLASS.

April 12, 16, 19, 23, 26, 30.

May 3, 7, 10, 14, 31.

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

SENIOR CLASS.

April 13, 17, 20, 24, 27.

May 1, 4, 8, 11, 15.

June 1, 5, 8, 12, 15, 19, 22, 26.

May Examinations.

The following Examinations will be held in the Royal College of Surgeons, Stephen's Green:—

Final—23rd, 24th, 25th May. Notices to be lodged in Secretary's Office, 33 Molesworth Street, Dublin, before 8th May.

Preliminary—28th, 29th May. Notices to be lodged in Secretary's Office, 33 Molesworth Street, Dublin, before 12th May.

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April, 1923.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVI., No. 10.]

April, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

March 14th.

Twenty-five Members present.

Death of Mr. T. C. Franks.

A resolution was passed expressing the deep regret of the Council on the occasion of the death of Mr. Thomas C. Franks, a past President of the Society, and conveying the sympathy of the Council to the family in their bereavement.

Accountant-General's Office.

A report was submitted from a deputation of the Council who interviewed the Secretary of the Ministry of Home Affairs, and urged the necessity of an immediate increase in the staff of the Accountant-General of the Supreme Court, and received an assurance that the matter would receive immediate attention.

Principal Probate Registry.

A letter in reply was read from the Chairman of the Board of Works, stating that the request of the Council that additional room should be found at the Castle for the Principal Registry, so that papers leading to Grants would be retained in the Registry and not returned to the party lodging them, was being complied with, and the necessary rooms for storing such papers were being prepared for the purpose.

Land Purchase and Registry of Deeds, Northern Ireland.

By an Order of the King in Council of 27th March, 1923, it was ordered that for the purpose of the administration of the Land Purchase Acts in Northern Ireland there should be a Commission called "The Land Purchase Commission, Northern Ireland," and all the powers and duties under the Land Purchase Acts of the Irish Land Commission, or the Court of that Commission, were, so far as respects Northern Ireland, thereby directed to be performed by the Land Purchase Commission, Northern Ireland; and it was further ordered that any matter or proceeding relating to land in Northern Ireland which is pending in the Irish Land Commission on the day of transfer (31st March, 1923) shall be transferred to and continued in the Land Purchase Commission, Northern Ireland, subject to special provisions as to pending matters or proceedings relating both to land in Northern Ireland and to land elsewhere.

By another Order of the King in Council of 27th March, 1923, it was ordered that for the purposes of the Registration of Deeds Acts, in their application to Northern Ireland, there should be established in Belfast a Registry of Deeds for Northern Ireland, and that any deed registrable under those Acts, if and so far as it affects land in Northern Ireland, shall, after 31st March, 1923, be registrable in the Belfast Registry instead

of in the Dublin Registry; and that if after that day any such deed is registered in the Dublin Registry, it is provided by the Order that such registration will not be effective for the purposes of the said Acts so far as respects land in Northern Ireland.

Obituary.

MR. GEORGE R. SCOTT, Solicitor, died upon the 6th March, 1923, at his residence, 123 Woodstock Avenue, Golders Green, London.

Mr. Scott was admitted in Michaelmas Sittings, 1884, and practised at 63 Dawson Street, Dublin, up to 1922.

MR. THOMAS C. FRANKS, Solicitor, died upon the 7th March, 1923, at his residence, 23 Clyde Road, Dublin.

Mr. Franks served his apprenticeship with his father, the late Mr. Thomas Franks; was admitted in Michaelmas Term, 1867, and practised (in partnership with Mr. John G. Oulton) at 21 Lower Fitzwilliam Street, Dublin, under the style of Franks and Oulton.

He was a member of the Council of the Society from 1880 to 1912, and was President of the Society for the year 1891-92.

Appointments.

Mr. William McA. McCracken, Solicitor, has been appointed Under Sheriff for the County of Dublin. His office is at 92 Middle Abbey Street, Dublin.

Mr. Francis Hanrahan, Solicitor, Cork, has been appointed Under Sheriff for the County of Cork.

New Members.

The following have joined the Society:—

Michael J. Kierans, Drogheda.

John J. O'Donnell, Tralee.

The Library.

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

From Mr. W. L. Barlee:

Madden's Practice in Proceedings before the Land Judge, 3rd edition, 1889.

Seton's Judgments and Orders, 3 Vols., 5th edition, 1893.

From Mr. E. J. French:

Alcock and Napier's Reports, 1831-1833.

Ball and Beatty's Reports, Vols. 1 and 2, 1807-1814.

Barton and Cherry: Land Acts.

Blackham: Chancery Practice (I.), 1859.

Brunker: Common Law Digest.

Chronological Table and Index of Statutes, 11th edition, 1235-1889.

Conner: Fisheries (I.) Acts, 1842-1891.

Drury and Warren's Reports, Vols. 1-4, 1841-1846.

Eiffe: Judicature Acts, 1877-78.

Ferguson's Reports, Vols. 1 and 2, 1841-42.

Hayes' Reports, 1830-1832.

Hogan's Reports, Vol. 1, 1828.

Huband's Grand Jury Laws and Supplement.

Hudson and Brookes' Reports, Vols. 1 and 2, 1827-1829.

Incorporated Law Society's Calendar, 1886.

Kavanagh and Quill: Licensing Acts, 1872-1874.

London Gazette, Index to, 1830-1883.

McCarthy: Leading Cases, Land Purchase Law.

Madden's Land Judge's Practice.

Maitland: Constitutional History of England, 1908.

Manual of Military Law, 1914.

Ridgeway, Lapp and Schoales: Reports, Vol. 1, 1796.

Saunders' Reports, Vols. 1 and 2, Parts 1 and 2, 1809.

Sausse and Scully's Reports, 1837-1840.

Schoales and Lefroy's Reports, Vols. 1 and 2, 1802-1809.

Sugden: Powers, 5th edition.

Sugden: Law of Property.

Vernon and Scriven's Irish Reports, Vol. 1, 1790.

Weekly Notes, 1879-1896 and 1898-1903.

From Messrs. Molony and Owens :

Barnewall and Adolphus ; Reports, Vols. 1-5.
 Bythewood's Conveyancing by Jarman, 1829-1834, 10 Vols. and Index.
 Chitty's Equity Index, 2 Vols.
 Circuit Reports in Ireland, 1841-42-43.
 Edge : Leases, 1875.
 Irish Equity Reports, Vols, 2, 3, 5, and 6-11.
 Mylne and Keen's Reports, Vol. 1, 1834.
 Nolan and Kane : Landlord and Tenant, 1874.
 Pratt's Index to the Term Reports.
 Sugden : Vendors and Purchasers (2 Vols.), 11th edition, 1846.

Long-Established Firms.

A member practising in Dublin, admitted in 1879, whose grandfather of same surname was admitted in 1802, and practised till 1859 in Dublin, and whose father was admitted in 1852, and practised till 1902 in Dublin (thus for 121 years a member of the family has been practising either alone or in partnership in Dublin), is desirous of ascertaining if any other Dublin Solicitor has a longer family record of continuous practice at the profession in Dublin. The Solicitor would be glad if replies were sent to the Secretary of the Society, 33 Molesworth Street.

Recent Legal Decision.**HOUSE OF LORDS.**

RUSSELL, APP. : RUDD, RESP.

March 20, 1923.—*Workmen's Compensation—Agreement for payment of a lump sum in settlement of all claims—Validity.*

Appeal from an Order of the Court of Appeal (England) setting aside an award of the Judge of the Edmonton County Court.

In October, 1920, the appellant sustained an injury by accident arising out of and in the course of his employment with the respondent, and the respondent, without

entering into an agreement with the appellant, paid him the maximum amount of compensation, 35s. per week until August, 1921. In June, 1921, the appellant agreed to accept, and the respondent agreed to pay, "the sum of £75 in full settlement "and discharge of all claims in respect of "the aforementioned accident," and the respondent forwarded a memorandum of agreement to the Registrar to have it recorded. The Registrar refused to record the agreement on the ground of inadequacy, and referred the matter to the County Court Judge. On the cesser of the weekly payment in August, 1921, the appellant filed a request for arbitration. The County Court Judge refused to record the memorandum, and made an award in favour of the appellant of 13s. 6d. per week. The Court of Appeal ordered the award to be set aside and the agreement to be recorded.

The House by a majority (Viscount Cave, L.C., Lords Dunedin, Shaw and Buckmaster ; Lord Carson dissenting) reversed the Order of the Court of Appeal and restored the award of the County Court Judge. In the opinion of the majority, apart from the provisions of the Act relating to the redemption of a weekly payment, it was not competent for an injured workman of full age to enter into an agreement with his employer for the acceptance of a lump sum in settlement of all claims under the Act, inasmuch as that was a contracting out of the Act within the meaning of S. 3, Sub-s. 1.

(Reported *Weekly Notes*, 7th April, 1923.)

Examination Results.

At the Intermediate Examination held on 1st March, the following passed, and their names are classed and arranged in order of merit :—

CLASS I.

1. James A. Ennis.
2. James Tanham.
3. Edward A. Margetson.
4. James P. Kennedy.
5. Joseph Brazil
 William J. Craig } equal.

CLASS II. AS

1. Denis F. Moriarty.

2. Albert W. Briscoe.

Nine candidates attended: 8 passed; 1 postponed.

The Society's Calendar.

The Society's Calendar for 1923 can be obtained at the Society's Office, 33 Molesworth Street, Dublin, price five shillings; by post, five shillings and sixpence.

Irish Free State Acts, 1923.

The following Acts have received the King's Assent:

Comptroller and Auditor-General Act, 1923.

Indemnity (British Military) Act, 1923.

Statutory Undertakings (Continuance of Charges) Act, 1923.

Enforcement of Law (Occasional Powers) Bill, 1923.

Griffith Settlement Act, 1923.

District Justices (Temporary Provisions) Act, 1923.

Local Government (Temporary Provisions) Act, 1923.

Central Fund (No. 1) Act, 1923.

Double Taxation (Relief) Act, 1923.

Solicitors (Ireland) Act, 1898, Amendment Act, 1923.

Local Authorities (Extension of Time) Act, 1923.

Electoral Act, 1923.

Summer Time Act, 1923.

Solicitors' Golfing Society.

The Annual Meeting of the above Society will be held at the Royal Dublin Golf Club, Dollymount, on 17th May. The competition for the Cup will take place on the same day, and in the evening the annual dinner of the Society will be held.

The members of the Council of the Incorporated Law Society of Ireland have presented a Challenge Cup for competition amongst the members of the Golfing Society.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol: XVII, No. 1.]

May, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVII., No. 1.]

May, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at two o'clock p.m., on Wednesday, 16th May, 1923, in the Molesworth Hall, Molesworth Street, Dublin. The business to be transacted includes the nomination of Scrutineers of Ballot for Council to be held on 21st November, 1923, and the election of Auditors of the accounts of the Society.

Annual Subscriptions.

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

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

MEETINGS OF THE COUNCIL.

April 25th.

Twenty-three Members present.

Accountant-General's Office.

The Council decided to again bring before the Government the urgent necessity of increasing the staff of the Accountant-General of the Supreme Court in order to enable him to open new Supreme Court Ledgers in place of those destroyed at the Four Courts.

Stop Orders.

A letter was read from a member drawing attention to the unsatisfactory position in reference to Stop Orders which were recorded in the books of the Accountant-General, the originals of which were destroyed in his office at the Four Courts as well as the books in which they were recorded.

This question was referred to the Court and Offices Committee.

Appointments.

Mr. Francis Hanrahan, Solicitor, has been appointed Under Sheriff for the County Borough of Cork.

Mr. John Jermyn, Solicitor, 67 South Mall, Cork, continues to fill the office of Under Sheriff of County Cork.

Grants of Probate and Administration.

The papers lodged in the Principal Registry, Dublin Castle, for the purpose of obtaining Grants will from and after the 1st May, be retained in the Registry. Those papers which prior to the 1st May have been returned to Solicitors or applicants will not be called in for the present, as sufficient storage room is not yet available.

The Society's Calendar, 1923.

The Calendar of the Society for 1923 can be obtained at the Secretary's Office, 33 Molesworth Street, Dublin. Price five shillings, by post five shillings and sixpence. There are a few copies remaining unsold.

Obituary.

MR. CHARLES P. TRACY, Solicitor, died in April, 1923, at Dublin.

Mr. Tracy served his apprenticeship with the late Mr. Thomas Gerrard, 25 Westmoreland Street, Dublin; was admitted in Trinity Sittings, 1895, and practised at Newbridge, Co. Kildare.

MR. JAMES VALENTINE DUNN, Solicitor, died upon the 14th April, 1923, at Dublin.

Mr. Dunn was admitted in Trinity Term, 1876, and practised at 60 Middle Abbey Street, Dublin.

MR. LOUIS C. P. SMITH, Solicitor, died upon the 29th April, 1923, at his residence, Arranmore, Cavan.

Mr. Smith was admitted in Michaelmas Sittings, 1889, and practised at Cavan.

He was Crown Solicitor for the County of Cavan from 1910 to 1923, and was a member of the Council of the Society from 1913 to 1920.

New Member.

The following has joined the Society :—

Thomas V. Davy, 9 Westmoreland Street, Dublin.

New Solicitors.

The following have been admitted from November, 1922, to April, 1923, inclusive :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Black, Joseph Patrick	Robert J. Sweeny, Ballyshannon
Brady, James Vincent	James Brady, Dublin
Cairns, William	David G. Dickson, Belfast
Davy, Thomas Vincent	Raymond Stevenson, Dublin
Downes, Joseph Robert	John E. Wallace, Mullingar
Downing, Charles James	Francis H. Downing, Tralee
Doyle, Charles Stanislaus	Patrick Rooney, Dublin
Feeny, Gerard	Michael C. Feeny, Londonderry
Felton, Robert Evan	Edward Felton, Dublin
Galvin, Barry St. John	George P. Cussen, Dublin
Glynn, Patrick	Thomas G. Quirke, Dublin
Graham, Robert Clarke	John W. Richards, Dublin
Halpin, John Richard	William H. Halpin, Cavan
Heron, Mary Dorothea	Thomas M. Heron, Belfast

<i>Name</i>	<i>Served Apprenticeship to</i>
Lavery, Patrick Hugh Fitzpatrick.	Charles Lavery, Castleblayney
Liston, Patrick	Patrick T. Liston, Rathkeale
Little, Joseph James	John E. Cullen, Dublin
Magrath, John George	William F. McCoy and Richard H. McCoy, Clones.
Matthews, James Joseph	Francis G. McKeever, Drogheda
McCann, John Baldwin	John M. Maxwell, Dublin
O'Connor, Fintan Michael	Michael J. O'Connor, Wexford
O'Sullivan, Thaddeus	Eugene J. Dowling, Killarney
Regan, Timothy Jephson	E. P. Bridge and H. P. Bridge, jun., Roscrea.
Ross, John Donald	William V. Seddall, Dublin
Russell, James A.	Maurice McCartie, Killarney
Ryan, Patrick Brendan	Thomas G. Quirke, Dublin
Salmon, John Michael	Peter J. McCann, Naas
Stack, James Joseph	Matthew J. Byrne, Listowel

Library.

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

From Mr. T. J. Greene :

A. B. C. Telegraphic Code, 5th edition.

Broom's Commentaries on the Common Law, 6th edition.

Lyle : Receivers' Handbook, 1878.

Macnevin's Chancery Practice, 1852.

Marmion's History of the Maritime Ports of Ireland, 1860.

Thom's Directories, 1899, 1904, 1907.

From Mr. F. J. Little :

Addison : Contracts, 8th edition, 1883.

Addison : Torts, 5th edition, 1879.

Brett : Grand Jury Law, 1894.

Broom's Commentaries on the Common Law, 5th edition.

Cherry and Wakely : Land Acts, 1888 (2 copies).

Chitty : Contracts, 9th edition, 1871.

Chronological Table and Index of Statutes, 7th edition, 1235-1800.

Clancy : Solicitors Remuneration Act, 1881, 3rd edition.

De Moleyns : 'Landowners' Guide, 6th edition, 1872.

Donnell : Irish Land Act, 1870.
 Drummond and Smith : Rules of Supreme Court, Ireland.
 Dublin Port Acts, 1865, 1866 and 1867.
 Fearné : Remainders, 8th edition.
 FitzGibbon's Judicature Practice, 1886.
 Foot : Grand Jury Laws, 1861.
 Hood and Challis : Conveyancing Acts, etc., 1882.
 Incorporated Law Society's Catalogue.
 Irish Law Times and Reports, 1871 and 1874.
 Lindley : Partnership, Vols. I and II., 1860.
 Nolan and Kane : Landlord and Tenant, 1874.
 O'Leary : Dispositions of Property for Religious and Charitable Uses, 1847.

Public Health (I.) Act, 1878.
 Sanders and Warren : Uses and Trusts, Vol. II., 1844.
 Shelford : Real Property Statutes, 7th and 8th editions.
 Todd : Irish Church Act, 1869.
 Vanston : Grand Jury Laws, 1883 (2 copies).
 Williams : Personal Property, 9th and 12th editions.
 Williams : Real Property, 15th edition.
 Williams : Executors, Vols. I. and II., 7th edition.

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THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVII, No. 2.]

June, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVII., No. 2].

June, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held on Wednesday, the 16th May, in the Molesworth Hall, Dublin, Mr. Joseph E. MacDermott, President, occupied the chair.

The following members were present:—A. W. Stirling (Vice-President), P. M. Seales (Vice-President), P. J. Brady, W. G. Bradley, E. H. Burne, J. W. Dyas, F. Fottrell, W. H. Fry, C. G. Gamble, M. L. Hearn, W. Henry, R. N. Keller, J. Moore, A. H. S. Orpen, A. D. Orr, T. G. Quirke, J. W. Richards, W. V. Seddall, B. Thompson, R. G. Warren, R. Blair White, C. P. Wilson, Sir George Roche, H. J. McCormick, W. J. Ryan, D. B. Dunne, Michael Buggy (Kilkenny), Edward Condell, R. A. O'Brien, E. R. Bate, James Brady, W. L. Barlee, R. D. Orr, V. E. Kirwan, E. R. McC. Dix, C. St. G. Orpen, J. C. Erskine, James Henry, E. J. Mallins, J. P. Collins, John Moran.

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

The President nominated the following members to act as Scrutineers of the ballot for Council to be held in November next:—Mr. E. F. Collins, Mr. Michael Dawson, Mr. Raymond French, Mr. F. G. Sharpe, and Mr. N. Taylor.

Mr. Stirling, V.P., moved, Mr. Seales, V.P., seconded, and it was resolved, that Mr. W. W. Carruthers, Mr. D. B. Dunne and

Mr. T. A. Ireland be appointed Auditors of the Society's account for the year ending 30th April, 1923.

THE PRESIDENT addressing the meeting, said:—Since our last half-yearly meeting we have to record with deep regret the deaths of no less than nineteen members of our Society; they are as follows:—Mr. Florence A. Greene, Mr. James S. Bernard, and Mr. John Craig Davidson, all of Dublin, comparatively young members of the profession; Mr. Robert S. Baylor, of Cork; Mr. Ralph Nash, of Limerick; Mr. Conyers Baker, who died in London; Mr. Richard J. O'Donnell, of Carrick-on-Suir; Mr. Norman C. Caruth, of Ballymena; Mr. Richard W. Doherty, of Bandon; Mr. Charles H. Monsarrat, formerly of Dublin; Mr. Martin H. Turnbull, of Belfast, who was a past President of the Northern Law Society and a member of the Council of the Incorporated Law Society of Northern Ireland, and for many years past an extra-ordinary member of the Council of this Society; Mr. Michael O'Shea, of Kilrush; Mr. George R. Scott, of Dublin; Mr. Charles B. Tracy, of Newbridge; Mr. Thomas C. Franks, of Dublin, one of the oldest members of our profession, member of our Council for thirty-two years, and President of the Society in 1891-2; Mr. James Valentine Dunn, of Dublin; Mr. Christopher J. Healy, of Fermoy; Mr. Louis C. P. Smith, of Cavan, who was formerly Crown Solicitor for that County, and was a member of your Council for many years; he was a man of many activities outside his profession, and took a large and practical

interest in agricultural progress in his County. Mr. Lewis F. Kenny, a member of this Council, died this month, and thereby the Council have lost a valued colleague and the profession a worthy member.

Since our last meeting, consequent on the destruction of our buildings and their contents, the work of the Society has continued to be carried on under the same disadvantages as were pointed out to you by my predecessor when he addressed you six months ago. Notwithstanding the difficulties, however, the work of your Society has been diligently pursued by your Council, and many matters of importance to the public and to the profession have been dealt with. Amongst these was the consideration of the Bill relating to the compensation for injury to property and persons in respect to which suggestions were submitted to the Government.

The continuance of the Rent Restriction Act was another matter to which your Council gave their attention; your President was one of the Committee nominated by the Government to enquire into and report on the operation of the existing Act and on the policy of the continuance of the Act either in its present or in an amended form.

During the enquiry some members of our profession attended before and afforded valuable information to the Committee. The new or continuing Act has not yet, however, been introduced, but it appears an early item in the pending list of legislative enactments. The report of the Committee, however, has been published by the Government.

Complaint having been made to the Judicial Commissioner as to unnecessary or unexplained delay of members of the profession in proceeding with allocation of funds when same were brought to credit, on the order of the Judicial Commissioner a peremptory notice calling attention to the complaint appeared in the *Legal Diary*. It was submitted to your Council that this notice might be read as a general complaint or reflection on members of the profession, the greater number of whom were free from blame. Accordingly, a deputation from the Council had an interview with the Judicial Commissioner in reference to the notice,

when it was arranged that the publication of same should be discontinued, the Council undertaking to direct the attention of members of the profession to the urgent necessity of prompt action in all matters of allocation, so that no future cause of complaint should arise.

The Council desire again to draw the attention of members to this necessity on the part of Solicitors having conduct of sales, so that the allocation of funds shall take place before the closing day. Should unexpected difficulties arise the Judicial Commissioner informed the deputation that he would be always ready to hear applications in reference to difficulties arising from the Examiner's requisitions, and to give such assistance as might be in his power to facilitate the compliance with, or discharge of, these requisitions.

The Council received in January last a joint deputation of members of the Royal Institute of Architects and the Institute of Civil Engineers, who made representation to the Council as to the advisability of the employment by members of the legal profession of professionally qualified persons in the preparation of claims for the assessment of damages in malicious injury cases, and the Council received lists of names so that they might be able to supply to members of this Society the names of qualified persons.

A Committee of the Council devoted much time and consideration to the matter of the reference to the Judiciary Commission which is still pending, and the same subject was also considered by the General Council of the Provincial Bar Associations of the Irish Free State. A conference between the two bodies resulted in one joint report. This report contained suggestions for the establishment of Courts and the distribution of legal business and proceedings between the Supreme Court and those of restricted jurisdiction, and it was forwarded to the Judiciary Commission. If the suggestions contained in that report are adopted your Council feel confident that the results will be beneficial to the public and helpful to the profession, especially to those members who are engaged in country practice.

As many inconveniences and, indeed, hardships have been experienced since the

destruction of the Courts, consequent on the inability of the Accountant-General to allocate the income of investments standing in his name to the appropriate accounts or to furnish a copy of accounts of funds under his control, a deputation of your Council attended on the Minister of Home Affairs, when the inconvenience and hardships complained of were represented, and suggestions made to remedy the grievance by the appointment of a competent staff to compile from the books in the Bank of Ireland such key ledgers as were at present wanted by the Accountant-General and which were necessary to him to discharge the duties of his office. Promise was made that the matter would have attention, and that a temporary qualified staff would be engaged on the work, but so far the Government has been unable to make progress in the matter.

The Society's Library was destroyed in the destruction of the Four Courts, and the Council have to thank many members for gifts of legal works. Amongst these donors must be mentioned: Mr. William S. Hayes, Messrs. Bennett Thompson & Edwards, Mr. P. B. Sheil, Mr. Bergin, Messrs. Dix, Mr. C. M. Grimes, Mr. Davy, Messrs. Baker, Ringwood & Gordon; Mr. T. J. Greene, Mr. F. J. Little, Mr. E. J. French, Messrs. Molony & Owens, and Mr. W. L. Barlee.

Such in brief have been the principal matters other than routine business that have claimed the attention of your Council.

Last November my predecessor, in addressing you, deplored the great loss which our Society had then recently sustained in the destruction of their buildings and valuable contents. He pointed out, however, that notwithstanding its embarrassments your Council had taken care that there was no neglect in the education and examination of candidates for the profession; recognising, as our predecessors have always done, that the best safeguard of our charters and privileges is a professional education and test such as would ensure that those who enter the profession are qualified to discharge the important work entrusted to them to the safety and satisfaction of the public. Your Council has continued this care, and they have still to make grateful acknowledgment to the President and Council of the Royal

College of Surgeons in affording to them the use of their fine Examination Hall and Lecture Theatre.

My predecessor, too, when referring to the vexed conditions which were then prevailing throughout the country, expressed the hope that all the clouds which then lowered upon the Free State would have disappeared by our next meeting. Though we cannot say that this hope has been fulfilled, we have better grounds for hope now than then; the areas of disorder are less, and what is more important, a spirit more intelligent of public welfare appears to be abroad. It is being recognised that to national well-being, to patriotic sentiment, and to all that is worthy in national art and industry, internal dissension is more baneful than the dictates of foreign rule. I think too that I echo popular recognition and sentiment, when I say nationality divorced and abstracted from all the realities of life, aiming neither at liberty nor prosperity, but claiming to be supreme over the State and the members of the community, is a chimera destructive of the true spirit of nationality.

A historian in range of study and of historic and political sagacity, perhaps unsurpassed in the last century pointed out over sixty years ago that such abstract nationality was destructive, and that its pursuit as a political principle would be marked with material as well as moral ruin, striving as it does that a new invention should prevail over the works of God and interests of mankind. We have had indication of the truth of this forecast during the last few years, and it is our earnest hope that for the future, *absit omen*. If, as many believe, patriotism is the enlargement of the family spirit, it is in peaceful security of life and home that patriotism has its root. Thus, a sure foundation and a sure fosterer of national independence, of national prosperity and of patriotic sentiment will be found in wise laws with just and prompt administration, so that each one may be confident that no wrong shall remain unredressed and no right unasserted. Well, one of the main objects of our Society is to secure to the public the services of men able and willing to help towards that desired end.

SIR GEORGE ROCHE thanked the President for his address, and congratulated the Council on the way its duties and work had been discharged under very difficult and trying circumstances.

MR. JAMES BRADY drew attention to the inconvenient hours in the afternoon at which some of the sittings of District Justices Courts were held; he also asked if progress was being made in the application of the Colonial Solicitors Act, 1900, to the Irish Free State.

MR. JOHN MORAN (Dublin), asked if the Council had any information as to the recommendations of the report of the Judiciary Committee, as he had been informed that they had been seen by a member of the profession, and that they were not satisfactory.

THE PRESIDENT, in reply, stated that the matter of the Colonial Solicitors Act was one in reference to which a diplomatic correspondence was at present being carried on, and as to the report of the Judiciary Committee, the proceedings of that Committee were private and confidential, and the Council had not, officially or unofficially, any information whatsoever in reference to the report of the Committee.

The chair having been taken by Mr. Stirling (Vice-President), on the motion of Sir George Roche, seconded by Mr. James Henry, a cordial vote of thanks was passed to the President, who expressed his thanks.

MEETINGS OF THE COUNCIL.

16th May

Twenty-five Members present.

Death of Mr. L. F. Kenny.

A resolution was passed expressing the regret of the Council on the occasion of the death of their colleague, Mr. Lewis F. Kenny, and deep sympathy with Mrs. Kenny and the members of his family in their bereavement.

Deeds lodged for Adjudication.

It was decided to request the Inland Revenue to resume the practice of giving receipts to Solicitors for deeds lodged for adjudication of stamp duties.

30th May

Twenty-four Members present.

Private Bill Legislation.

It was decided to request the Government to have Standing Orders issued dealing with the procedure on the promotion of private Bills.

Justices of the Peace.

A letter in reply was read from the Secretary of the Minister of Home Affairs stating that Section 6 of the Adaptation of Enactments Act, 1922, deprived Justices of the Peace of the power of exercising their legal functions.

Appointments.

Mr. Ronald H. Brown, Solicitor, Naas, has been appointed State Solicitor for the County of Kildare.

Mr. Augustine J. C. Crean, Solicitor, Ballyhaunis, has been appointed Under Sheriff for the County of Mayo, in room of Mr. Thomas F. Rutledge, resigned.

Mr. William P. Cahill, Solicitor, Charleville, has been appointed a District Justice.

Obituary.

MR. LEWIS F. KENNY, Solicitor, died upon the 7th May, 1923, at Dublin.

Mr. Kenny served his apprenticeship with the late Mr. Hugh Stuart Moore, 31 Molesworth Street, Dublin; was admitted in Michaelmas Sittings, 1900, and practised in partnership with Mr. Robert Scholefield, under the style of Messrs. Moore, Keily and Lloyd, at 31 Molesworth Street, Dublin.

He was a member of the Council of the Society from July, 1922.

MR. THOMAS C. MURPHY, Solicitor, died upon the 10th May, 1923.

Mr. Murphy served his apprenticeship with Mr. Patrick Rooney, 21 Upper Ormond Quay, Dublin; was admitted in Easter Sittings, 1920, and practised at Macroom.

Appointment of Peace Commissioners.

The Adaptation of Enactments Act, 1922, Section 6, deprived Justices of the Peace of the power of exercising their legal functions.

The Minister of Home Affairs, acting under Section 4 of the District Justices (Temporary Provisions) Act, 1923, has appointed Peace Commissioners throughout the Irish Free State.

The powers and authorities of a Peace Commissioner consist of (a) signing summonses; (b) signing warrants; (c) administering oaths, and taking declarations, affirmations and informations; (d) committing dangerous lunatics and idiots to lunatic asylums, under Section 10 of the Lunacy (Ireland) Act, 1867; (e) signing certificates for the admission of lunatics and idiots to lunatic asylums; (f) signing the certificates required by Section 2 of the Registration of Clubs (Ireland) Act, 1904.

Irish Solicitors' Golfing Society.

The above Society held its annual Competition for the Challenge Cup at Dollymount, on May 17th; fifty-eight members took part. The result being:—T. Early, 81; A. Lloyd-Blood, 81; Plunket Kenney, 82; P. J. Byrne, 83; and J. T. Hamerton, 83. In the replay, A. Lloyd-Blood won. The prize for best gross score was won by P. Kenney, 91.

In the afternoon the sweepstake foursomes were won by Messrs. C. St. G. Orpen and A. D. Orr, with Messrs. English and Horan second.

The Annual General Meeting of the Society was held in the Club House, and the following officers were elected for the ensuing year:—

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

Captain.—Basil Thompson.

Committee.—Messrs. R. G. Warren, J. B. Moore, G. P. Cussen, M. J. Dwyer, and J. T. Hamerton.

Secretary.—Hugh Horan.

A Dinner was held in the evening, at which over fifty members attended, presided over by Mr. Basil Thompson.

A very large entry was received for the Cup presented by the Council of the Incorporated Law Society of Ireland, to be played for by match play. The following is the result of the draw:—

B. Thompson	v. B. R. W. Doran.
J. B. Brown	v. F. D. Darley.
G. Grove White	v. E. S. Lowe.
C. St. G. Orpen	v. A. D. Orr.
J. J. L. Murphy	v. S. Kerr.
J. J. Bolger	v. W. E. O'Reilly.
F. E. Bermingham	v. C. O'Brien.
R. G. Warren	v. J. W. Flynn.
G. W. Beaumont	v. G. Byrne.
H. Horan	v. F. Fottrell.
W. J. Molloy	v. T. Hayes.
S. A. French	v. P. M. Seales.
A. Reddy	v. T. Early.
W. S. Collis	v. W. T. Sheridan.
E. W. Mooney	v. H. Lemass.
J. A. Denning	v. J. Moore.
J. T. Hamerton	v. A. E. Walker.
E. A. Ryan	v. A. G. Joyce.
D. Sullivan	v. W. V. Seddall.
J. R. Cresswell	v. J. Sheil.
M. Good	v. C. Magwood.
G. M. Porter	v. W. J. Girvin.
J. A. McAreevy	v. C. J. Rutherford.
M. Dwyer	v. J. J. Gaynor.
G. P. Cussen	v. H. Bonass.
P. J. Byrne	v. B. Collins.
W. Byrne	v. T. F. Crozier.
P. Kenney	v. A. E. Prentice.

Intermediate Examination.

The July Intermediate Examination will be held on Monday, the second day of July, 1923, at 10 o'clock, a.m., in the Royal College of Surgeons, Stephen's Green, Dublin.

Notices should be lodged in the Secretary's Office, 33 Molesworth Street, Dublin, before Tuesday, 26th June.

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



THE GAZETTE

Incorporated Law Society of Ireland.

Vol. XVII, No. 3.]

July, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVII., No. 3]

July, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

13th June.

Twenty-eight Members present.

Auctioneers' and Estate Agents' Association.

The Council received a deputation from the Irish Auctioneers' and Estate Agents' Association, consisting of Mr. Leonard, Mr. MacMahon, Mr. Ebrill, and Mr. F. Warner, Secretary. The Deputation discussed with the Council various matters relating to the sale and valuation of property.

Valuation and Assessment Appeals.

It was resolved to request that an appointment be immediately made of a Referee to hear Appeals from Valuations and Assessments for Estate Duty purposes.

Parchment.

A letter was read from a country member drawing attention to the increased outlay in conveyancing matters occasioned by the enhanced price of parchment, such increase falling entirely on the Solicitor. The Council directed a reply to be sent calling attention to the general use being now made of a superior parchment paper in conveyancing matters which is sold at considerably less cost than parchment.

Colonial Solicitors' Act.

It was resolved that a request be made to His Excellency the Governor-General that he should make application to the Secretary of State for the Colonies for an Order in Council applying the Colonial Solicitors' Act, 1900, to the Irish Free State.

27th June.

Twenty-five Members present.

Private Bill Legislation.

The draft of Standing Orders for Private Bill Legislation received from the Ceann Comhairle was submitted, and a report of a Committee of the Council containing suggested amendments. These amendments were approved by the Council.

Judiciary Committee.

The Report of the Judiciary Committee was submitted and referred to the Special Committee which had previously considered this matter.

Recorder's Court.

It was resolved that the Recorder of Dublin be again requested to arrange that lists of cases to be heard in his Court should be available in advance so as to give solicitors time to communicate date of hearing to their clients.

Obituary.

MR. GEORGE B. HORGAN, Solicitor, died upon the 21st June, 1923, at his residence, Thornbury, Rochestown, County Cork.

Mr. Horgan served his apprenticeship with his father, the late Mr. Michael J. Horgan, Cork, was admitted in Trinity Sittings, 1906, and practised at 50 South Mall, Cork.

MR. JOHN HUNTER-MOORE, Solicitor, died upon the 25th June, 1923, at Dublin.

Mr. Moore was admitted in Michaelmas Term, 1876, and practised in partnership with Mr. J. Moore Boyle, under the style of Messrs. Hunter, Moore and Boyle, at Newry.

New Members.

The following have joined the Society:—

Charles S. Doyle, 21 Upper Ormond Quay, Dublin.

Joseph C. Erskine, 5 Hume Street, Dublin.

John R. Halpin, Cavan.

Patrick MacGrath, Nenagh.

John G. Magrath, Clones.

Timothy J. Regan, Roscrea.

Philip N. Smith, Cavan.

The Society's Examinations in 1924.

There will be two Preliminary Examinations, one in April, the second in October.

There will be two Intermediate Examinations, one in July, the second in October.

There will be two Final Examinations; one in April, the second in October.

Those Apprentices who would be entitled, by reason of the date of the expiration of their indentures, to attend a Final Examination in January, 1924, are at liberty to attend the Final Examination to be held on 9th, 10th and 11th October, 1923.

Examination Results.

At the Preliminary Examination, held on 28th and 29th May, 1923, the following passed the Examination, and their names are arranged in order of merit:—

1. Patrick Byrne.
2. Vincent P. Dillon.
3. Annie Josephine Smyth.
4. James Stephen Byrne.
5. William M. L. Ardill.

Peter Canning passed the modified Preliminary Examination for which he had liberty to present himself.

Nine Candidates attended, six passed, and three were postponed.

At the Final Examination, held on 23rd, 24th and 25th May, 1923, the following passed the Examination, and their names are arranged in order of merit:—

1. Bernard J. D. O'Kelly.
2. John Taylor.
3. Edward Walsh.
4. Helena M. Early.

5. Felix S. H. Derham.
6. John F. McCartan, B.A., N.U.I.
7. Michael J. C. Keane.
8. David R. Pigot, B.A., T.C.D.
9. Harry McCracken.
10. Henry St. J. Blake.
11. James R. Barry } equal.
- Robert B. Wolfe }
13. Alexander M. Healy.

The Council awarded a Special Certificate to Bernard J. D. O'Kelly,

Fourteen Candidates attended, thirteen passed, and one was postponed.

Statutes of Northern Ireland.

The following Statutes have been passed by the Parliament of Northern Ireland:—

1921.

- Exchequer (Temporary Borrowing).
- Exchequer and Audit.
- Superannuation.
- Interpretation.
- Local Government (Emergency Powers).
- Ministries of Northern Ireland.
- Speaker of the Senate.
- Speaker of the House of Commons.
- Salaries of Ministerial Offices.
- Appropriation.

1922.

- Consolidated Fund.
- Superannuation.
- Exchequer Borrowing and Local Loans.
- Unemployment Fund.
- Civil Authorities (Special Powers).
- Criminal Procedure.
- Unemployment Insurance.
- Constabulary.
- Referees and Arbitrators.
- Joint Nursing and Midwives.
- Motor Vehicle Races.
- Livestock Breeding.
- Church Temporalities Fund.
- Appropriation.
- National Health Insurance.
- Local Government.
- Unemployment Insurance (Amendment).
- Finance.
- Solicitors.
- Uniformity of Laws.
- Expiring Laws.
- Local Authorities, etc.
- Appropriation (No. 2.)
- Loans Guarantee.
- Belfast Harbour.
- Londonderry Bridge.

1923.

Canals (Continuance of Charging Powers).
 Inspectors of Weights and Measures.
 Consolidated Fund and Appropriation.
 Exchequer and Financial Provisions.
 Petty Sessions Fees and Administration.
 Companies (Reconstitution of Records).
 Promissory Oaths.
 Criminal Law Amendment.
 Criminal Evidence.
 Local Government (Roads).
 Unemployment Insurance.
 Intoxicating Liquor.

Library.

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

From Mr. J. W. Dyas:

Thom's Directories for 1902, 1915 and 1918.

From Mr. F. V. Gordon:

Law Society's Calendars for 1905 and 1910.

From Mr. E. M. Lloyd:

Johnson: English Dictionary, 1785.

From Mr. F. M. J. Lyons:

County Courts Act, Manitoba.

Acts relating to Court of Appeal and Court of King's Bench, Manitoba.

From Mr. G. M. Meares:

Law Society's Calendars for 1897 and 1908.
 Learoyd (S.): Counsel, Solicitors and their Clients.

Reports of Council of Law Society for 1872 and 1886.

Report Deputy Keeper Public Records, 1901.

Report Legal Reform Committee.

Smith's Probate Practice (4th edition) 1885.

State Trials: The Queen v. Daniel O'Connell and ors., 1844.

From Mr. P. N. Murphy:

Edge: Leases. (2nd edition), 1884.

Ferguson: Common Law Procedure Act, 1853.

Gover: Title. (2nd edition), 1892.

Hamilton: Charities. (2nd edition), 1881.

Hayes: Criminal Statute Law, Ireland (2 vols.), 1842.

Kisbey: Matrimonial Causes and Matters, 1871.

Law Society's Calendar, 1886.

Reilly: Summary Petitions, 1855.

Stringer: Oaths. (2nd edition) 1893.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVII, No. 4.]

August, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVII., No. 4]

August, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

11th July.

Twenty-six Members present.

Regulations.

Draft regulations under the Solicitors' (Ireland) Act, 1898, Amendment Act, 1923, were submitted and adopted.

Colonial Solicitors' Act.

The Secretary reported that the letter containing the request of the Council to His Excellency the Governor-General that he should make application to the Secretary of State for the Colonies, for an Order in Council applying the Colonial Solicitors' Act, 1900, to the Irish Free State, had been forwarded to the Minister for Home Affairs on 27th June, for submission to His Excellency, and had been acknowledged.

Judiciary Committee.

It was resolved that representatives of the Bar Council, and of the General Council of Provincial Bar Associations of the Free State be invited to meet representatives of this Council to discuss the report of the Judiciary Committee.

25th July.

Twenty-seven Members present.

Court of Examiners.

Report on an application for leave to be bound under section 16 was submitted, and the application was refused.

Costs Committee.

Report from Committee on the following query was adopted. Under which scale applicable to leases should the costs of the following lease be drawn? Lease of house in City of Dublin for 50 years at a yearly rent of £50, the poor law valuation being £51. Covenant by lessee to repair, maintain, and keep the premises. The Committee reported that the costs should be drawn under Table I, Part II of Schedule I of the General Order under the Solicitors' Remuneration Act, as amended.

Adjournment.

The Council adjourned until 5th October unless otherwise specially summoned.

Land Bill, 1923.

A deputation from the Council consisting of the President, Mr. Orr, Mr. Fottrell, and the Secretary had an interview with the Minister for Agriculture on the 11th July, and submitted amendments to the Land Bill for his consideration. The Minister discussed at considerable length with the deputation the amendments put forward, and accepted some of them; he also undertook to further consider, and to write to the Council on the subject of Vendor's costs of sale. The following letter has since been received from the Minister:—

Ministry of Agriculture, Dublin,
18th July, 1923.

Dear Sir,

With reference to the payment of Solicitors' costs in connection with the operations of

the Land Bill, the position is as follows: The costs in connection with the redemption price of superior or intervening interests are payable to the Owner of these interests. Hence they will be allocated on the schedule in their due priority. The Vendor's costs of sale are payable out of the purchase money which he receives, and the practice under which his Solicitor's claim goes on the schedule is merely the result of an arrangement between the parties interested, and has no legal validity. If the Solicitor for the Vendor wishes to have his costs allocated on the schedule he will receive those costs in bonds, but if not, it is open to him, and in fact I take it that it would be the invariable procedure, to arrange with the Vendor to get the costs in cash. In any event I assume that in practice the Solicitor could make arrangements under which he could exchange the bonds with the Vendor for cash even if his claim appeared in the schedule.

I am afraid it would be impossible to make any better arrangements. Any other arrangements would mean providing every Vendor with a certain amount of cash to pay his costs, and if cash payments were made in this matter it would be difficult to draw the line. The general rule was adopted that all payments were to be made in bonds, and I think you will understand that if there was one exception made it would be necessary to make a good many more.

Yours faithfully,

(Signed) P. HOGAN.

W. G. Wakely, Esq.,

The Incorporated Law Society of Ireland,
Dublin.

Damage to Property Compensation Act, 1923.

On the 1st August, in reply to a question put to him by Mr. FitzGibbon, K.C., in Dail Eireann, the Minister of Finance stated, that the form of notice issued by him to be served by applicants under Section 4 of the Act only applies to claims put forward for the first time since the passing of the Act, and that applicants who have already served notice in compliance with the resolution of Dail Eireann of 1st November, 1922, need not serve the notice required by Section 4.

This reply does not refer to, nor obviate the necessity of serving, the notices required by the County Court rules of procedure dated the 25th July, 1923.

Damage to Property (Amendment) Act, 1923.

This Act provides that the Damage to Property (Compensation) Act, 1923, shall be amended as follows:—

(1) The "12th day of May, 1923," shall be substituted for the "20th day of March, 1923" in the following sections, sub-sections and paragraphs:—

(a) In sub-sec. (6) of sec. 14.

(b) In clause (c) of sub-sec. (9) of sec. 15,

(c) In sub-sec. (10) of sec. 15.

(d) In sec. 16.

(e) In sub-sec. (5) of sec. 17; and

(2) The word "four" shall be substituted for the word "three"

(a) In sub-sec. (1) of sec. 2.

(b) In sec. 3.

(c) In sub-sec. (1) of sec. 15.

Appointments.

Mr. Thomas S. Colbert, Solicitor, Waterford, has been appointed Under Sheriff for the County of Waterford, in room of Mr. J. T. Hudson, retired.

Mr. George V. Maloney, Solicitor, Cootehill, has been appointed Under Sheriff for the County of Cavan, in room of Mr. T. R. Blackley, retired.

Obituary.

MR. THOMAS J. DUNNE, Solicitor, died upon the 1st July, 1923.

Mr. Dunne served his apprenticeship with Mr. Michael Verdon, Solicitor, Castlebar, was admitted in Hilary Sittings, 1919, and practised at Castlebar.

MR. JOHN F. SMALL, Solicitor, died upon the 5th July, 1923, at his residence 37 Hill Street, Newry.

Mr. Small was admitted in Michaelmas Term, 1874, and practised at Newry.

MR. D. FREDERICK SPILLER, Solicitor, died upon the 9th July, 1923, at Belfast.

Mr. Spiller was admitted in Michaelmas Term, 1875, and practised at 29 High Street, Belfast.

MR. MICHAEL BERGIN, Solicitor, died upon the 20th July, 1923, at Greystones, Co. Wicklow.

Mr. Bergin served his apprenticeship with the late Mr. Thomas O'Meara, 14 Fleet Street, Dublin, was admitted in Michaelmas Sittings, 1897, and practised at 56 Rutland Square, Dublin.

MR. DAVID M. MORIARTY, Solicitor, died upon the 24th July, 1923.

Mr. Moriarty was admitted in Trinity Sittings, 1885, and practised at Tralee up to the year 1916, when he was appointed Clerk of the Crown and Peace for the County of Kerry.

THE RIGHT HONORABLE JOHN C. WHITE, died upon the 27th July, 1923, at Belfast.

Mr. White who was admitted in Michaelmas Term, 1875, was member of the firm of White, McMillan, and Wheeler, 45 Arthur Street, Belfast, up to the year 1919, when he retired.

He was Lord Mayor of Belfast for 1919, and was appointed a Privy Councillor in 1920.

MR. JOHN HARBINSON, Solicitor, died upon the 31st July, 1923, at Belfast.

Mr. Harbinson was admitted in Hilary Term, 1876, and practised at Magherfelt, Co. Londonderry.

Commissioners for Oaths (Northern Ireland).

The following have been appointed by the Lord Chief Justice of Northern Ireland to be Commissioners to Administer Oaths for the Counties Down and Armagh.

J. Moore Boyle, Solicitor, Newry, and A. W. Devenish Meares, Solicitor, Newry.

In addition, Mr. Boyle has been appointed Notary Public, and Commissioner for taking the acknowledgments of deeds, executed by married women.

Irish Solicitors' Golfing Society.

The final round of the Competition for the Cup presented by the Council of the Incorporated Law Society of Ireland was between Mr. J. Barry Brown and Mr. William J. Byrne, and resulted in a win by Mr. J. Barry Brown.

The Society's Examinations.

OCTOBER, 1923.

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

Preliminary—4th and 5th October—Notices to be lodged before 18th September.

Intermediate—8th October—Notices to be lodged before 20th September.

Final—9th, 10th, 11th October—Notices to be lodged before 20th September.

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

1924 EXAMINATIONS.

There will be two Preliminary Examinations, one in April, the second in October.

There will be two Intermediate Examinations, one in July, the second in October.

There will be two Final Examinations, one in April, the second in October.

Those apprentices who would be entitled, by reason of the date of the expiration of their indentures, to attend a Final Examination in January, 1924, are at liberty to attend the Final Examination to be held on 9th, 10th and 11th October, 1923.

Lectures.

MICHAELMAS SITTINGS, 1923.

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

JUNIOR CLASS.

October 25, 29.

November 1, 5, 8, 12, 15, 19, 22, 26, 29.

December 3.

SENIOR CLASS.

- October 26, 30.
- November 2, 6, 9, 13, 16, 20, 23, 27, 30.
- December 4.

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

Intermediate Examination Result.

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

CLASS I.

- 1. Dorothea M. Browne.
- 2. Maureen MacDowell } equal.
- 3. Gerald C. Redmond }
- 4. Redmond O'Regan }
- 5. John Grogan }
- 6. James A. Power } equal.
- 7. John Ryan }
- 8. Christopher McGonagle.
- 9. John P. Dowd.
- 10. Harold H. Maxwell.
- 11. John B. McNulty.
- 12. Martin Fitzgerald.
- 13. James P. Glynn.

CLASS II.

- 1. Mark F. Conroy.
- 2. Leopold J. Jameson.
- 3. John Harvey.
- 4. Robert J. Cussen.
- 5. Edmund A. Corr.
- 6. Diarmuid P. J. Murtagh. } equal.
- 7. Michael J. McMahon }
- 8. Adelaide M. Quin } equal.
- 9. Horace Turpin, jun. }
- 10. Anthony J. Malone.
- 11. Thomas F. McKeever.
- 12. John S. MacNeice.

31 Candidates attended; 25 passed; 6 were postponed.

Wanted.

The Secretary would be grateful for a copy of the annual report of the Council for 1913 should any member have a copy for that year.

Library.

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

- From Mrs. B. M. O'Grady
- Burke's Peerage, Baronage, and Knightage, 1897.
- Burke's Landed Gentry, Vols. I. & II. 5th Edition, 1871.
- Broom's Common Law, 1880.
- Dod's Peerage, 1897 & 1903.
- Who's Who, 1897 & 1903.
- Imperial Calendar, 1901.
- Hazell's Annual, 1897.
- Royal Blue Book Court Guide, 1901.
- The Irish Land Law and Land Purchase Acts, By R. R. Cherry, 1860 to 1891.
- Registration of Titles Acts, 1891.
- Irish Land Act, Barton and Cherry, 1896.
- The Law of Local Government in Ireland, H. M. Fitzgibbon & W. Johnston.
- Costs and Fees, A. F. Baker.
- Land Cases, E. O. MacDevitt, 1881.
- The Game Laws of Ireland, MacCarthy Connor, 1891.
- Land Purchase Acts, Ireland, Fottrell, 1886.
- Solicitors' Costs, Court Fees, etc., J. M. Lowry.
- Finance Act, T. T. Mecredy, 1894.
- Incorporated Law Society Library Catalogues, 1895 & 1909 (2).
- Registration of Title v. Registration of Assurances, Leech.
- The Justice of the Peace for Ireland, Molloy.
- Forms of Leases, Edge.
- Second Supplement to the Rating Provisions, Walker.
- The Queen's Jubilee Prize Essays.
- Receivers' Handbook, Lyle.
- The Irish Land Act, Fottrell.
- Landed Estates Court Fees.
- Death Duties, 1911 & 1905, Beatty.
- National Insurance Act, 1911, Gadd.
- Key to the Labourers (Ireland) Acts, 1883 to 1891, O'Sullivan.
- Workmen's Compensation Act, 1906, H. Lynn.
- A Practical Guide to the Irish Land Act, 1903 R. M. D. Saunders.
- Workmen's Compensation Act, Emery.
- Landlord's and Tenant's Guide to Land Purchase, O'Connell.
- Property Law, Lord St. Leonards.

Key to Land Act, 1887, Healy.
 The Irish Land Act, 1881, Kiskey.
 Hayes' Time Table, 1877.
 Various Pamphlets, Papers, Gazettes, etc.
 13 Incorporated Law Society's Calendars,
 between 1900 & 1919.
 13 Legal Diaries, between 1901 & 1918.
 148 I.L.S. Gazettes, between 1907 & 1923
 43 Quarterly Irish Land Reports, Fitzgibbon,
 between 1896 & 1907.

Commissioners to Administer Oaths.

The Lord Chief Justice of Ireland has appointed the following Dublin Solicitors to be Commissioners to administer Oaths:—

- Henry G. Morris, 8 Clare Street.
- Barry V. McMullen, 7 Suffolk Street.
- Thomas Osborne Davis, 5 St. Andrew Street.
- Thomas J. Green, 11 Wellington Quay.
- Thomas F. Burke, City Hall.
- Edward Joseph Mallins, 23 Kildare Street.
- William McA. McCracken, 92 Mid. Abbey Street.
- James O'Connor, 71 Dame Street.
- William E. O'Reilly, 67 Mid Abbey Street.
- Archibald Clarke, 52 Upr. Gardiner Street.
- John T. Doyle, 16 & 17 Lr. Sackville Street.

E. A. Killingley, 22 St. Andrew Street.
 Thomas J. Graham, 6 Westmoreland Street.
 William J. Girvin, 9 Suffolk Street.

The Lord Chief Justice has also appointed the following to be Commissioners to administer Oaths:—

- John Galvin, Athlone.
- Jeremiah Leahy, Rathdowney.
- Terence J. Dolan, Ballinamore.
- Eugene Lynch, Shercock.
- Denis Doran, Enniscorthy.
- Hevitt Wilson, Dunmanway.
- James Finlay, Carrickmacross.
- Timothy J. Golden, Solicitor, Mallow.
- Thomas J. Dowdall, Solicitor, Mullingar.
- Robert A. Macaulay, Solicitor, Listowel.
- Francis Flood, Moville.
- John Denis Glackin, Moville.
- Cornelius Aherne, Dunmanway.
- Kate Ellen Baylor, Fermoy.
- Michael J. Kenny, Mohill.
- William Henry Mansfield, Kenmare.
- William Kelly, Solicitor, Letterkenny.
- Michael Grace, Meath.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVII, No. 5.]

November, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVII., No. 5]

November, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

Ballot for Council.

The ballot for election of Council will be held on Wednesday, 21st November, from 11 to 1 o'clock, in the Secretary's Office, 33 Molesworth Street, Dublin. Voting papers should reach the Secretary not later than 1 o'clock on 21st inst.

Half-Yearly General Meeting.

The Half-yearly General Meeting of the Society will be held at 2 o'clock p.m., on Monday, 26th November, in the Molesworth Hall, Molesworth Street, Dublin.

MEETINGS OF THE COUNCIL.

October 3rd.

Twenty-four Members present.

Courts of Justice Bill.

A report was submitted from the members of the Council who formed a deputation to the Attorney-General in reference to the Courts of Justice Bill, and who had submitted to him a series of amendments which the Council sought to have made in the Bill. The report stated that the Attorney-General had undertaken to have the amendments considered by the Government.

Irish Auctioneers and Estate Agents Association.

A letter was read from the Secretary of the Irish Auctioneers and Estates Agents Association in reference to matters arising out of the sale and letting of land; a letter was also read from a firm of Solicitors on the same subject. The letters were referred to the Privileges Committee, with an instruction to have an interview with representatives of the Association.

October 17th.

Twenty-six Members present.

Courts of Justice Bill.

A letter was read from the Attorney-General enclosing print of amendments to be moved in Committee, including some few of the less important amendments suggested by the Council, and stating that the suggestions of the Council had been discussed. The Attorney-General expressed the opinion that the Government amendments went a long way to meet most of the criticism on the Bill.

Colonial Solicitors' Act.

A letter was read from the Chief State Solicitor, stating that the papers in this matter were before the Attorney-General, and that the moment he was in a position to do so he would write further on the matter.

Statutes and Rules.

A letter was read from a member urging that steps should be taken to secure the more rapid printing and issuing of Statutes passed by the Oireachtas, and of the rules thereunder. It was ordered that a communication be addressed to the officer in control of this matter.

October 31st.

Twenty-three Members present.

Damages to Property Act.

Letters were read from members on important points arising under section 4 of this Act, and a resolution received from the Meath Sessions Bar, in reference to the scale

of Costs contained in the County Court Rules of July, 1923, made under Section 19 of the Act, was read. The letters and resolutions were referred to the Costs and County Courts Committee jointly to consider.

Land Act, 1923.

The question of the preparation of a scale of remuneration by commission for Owners' Solicitors for carrying out sales under this Act, was referred to the Land Act Committee.

Annual Report.

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

Appointments.

MR. VALENTINE WILSON, Solicitor, Portadown, has been appointed Sub-Sheriff for the County of Armagh, in room of Mr. T. W. Kilpatrick, retired.

Grants of Probate and Administration.

A notice has been issued by the Registrar, requesting Solicitors to lodge with the Record Keeper, Principal Registry, Dublin Castle, all original wills and papers leading to grants which have been issued from the Principal Registry from 27th April, 1922 to 30th April, 1923. These papers will be received by the Record Keeper on Mondays and Thursdays, between 12 and 2 o'clock.

Examination Results.

At the Preliminary Examination, held on 4th and 5th October, the following passed the examination, and their names are arranged in order of merit:—

1. Desmond Counahan.
 2. Edward J. Montgomery.
- Herbert McCloughan and John J. Tully passed the modified Preliminary Examination for which they had liberty to present themselves.
- 5 Candidates attended; 4 passed; 1 was postponed.

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

CLASS I.

Robert T. Falkiner.

CLASS II.

1. Charles M. Glass.
2. John D. T. Rooney.
3. James W. Lane.
4. Charles J. Robinson.
5. Henry T. Henchy.

7 Candidates attended; 6 passed; 1 was postponed.

At the Final Examination held on 9th, 10th and 11th October, the following passed the examination, and their names are arranged in order of merit:—

1. Edmund Carroll.
2. William J. V. Comerford.
3. Francis M. Graham.
4. John Hollinger.
5. James Malseed.
6. John A. Lavan.
7. Richard G. H. Carter, B.A., T.C.D.
8. Herbert MacNeice.
9. Edward A. Cleary.
10. St. James B. England.
11. James P. Coghlan.
12. William T. Roe, B.A., T.C.D.
13. John R. Lawson.

A Silver Medal was awarded to Edmund Carroll, and a Special Certificate to William J. V. Comerford.

14 Candidates attended; 13 passed; 1 was postponed.

Preliminary Examinations, 1923.

A Silver Medal was awarded to Desmond Counahan.

Scholarships, 1923

The Findlater Scholarship was awarded to John R. Halpin, B.A., T.C.D., who obtained first place and a Silver Medal at the January, 1923, Final Examination. He served his apprenticeship with his father, Mr. W. H. Halpin of Erskine Terrace, Cavan.

The Overend Preliminary Examination Scholarship was awarded to Desmond Counahan, who is serving his apprenticeship with Mr. Robert Kieran of Dublin.

The Overend Final Examination Scholarship was awarded to Edmund Carroll, who

obtained first place and a Silver Medal at the October, 1923, Final Examination. He served his apprenticeship with his father, Mr. Anthony Carroll of Fermoy.

Obituary.

MR. DONALD J. GALVIN, died upon the 8th August, 1923, at his residence, Parkhurst, Victoria Road, Cork.

Mr. Galvin served his apprenticeship with his father, the late Mr. Barry C. Galvin, Cork, was admitted in Trinity Sittings, 1914, and practised at Cork.

MR. JAMES SMYTH, died upon the 12th August, 1923, at his residence, Conee Hall, Drogheda.

Mr. Smyth was admitted in Easter Term 1875, and practised at Drogheda up to 1921, when he retired.

MR. ROBERT ESPINASSE, died upon the 20th August, 1923, at his residence, Shortstone, Dundalk.

Mr. Espinasse served his apprenticeship with the late Mr. Robert E. Baillie, Castleblayney, was admitted in Hilary Sittings, 1893, and practised at Dundalk.

MR. BERNARD M. O'GRADY, died upon the 6th September, 1923, at his residence "Corbally," Grosvenor Road, Dublin.

Mr. O'Grady served his apprenticeship with Mr. Thomas T. Mccredy (Junior), Dublin, was admitted in Michaelmas Sittings, 1897, and practised at 22 Nassau Street, Dublin.

MR. JOHN B. LYNCH, died upon the 15th September, 1923, at Dublin.

Mr. Lynch served his apprenticeship with the late Mr. Thomas Lynch, and Mr. Michael J. Macnamara, Ennis, was admitted in Trinity Sittings, 1905, practised at Ennis, and was State Solicitor for Co. Clare.

MR. THOMAS J. MACGRATH, died upon the 15th September, 1923, at his residence "Cluam Ard," Glenageary, County Dublin.

Mr. MacGrath served his apprenticeship with the late Mr. George C. Stapleton, Dublin, was admitted in Hilary Sittings, 1897, and practised at 15 Kildare Street, Dublin.

MR. HUGH R. POLLOCK, died upon the 6th October, 1923.

Mr. Pollock served his apprenticeship with Mr. John G. Fottrell, 46 Fleet Street, Dublin, and was admitted in Hilary Sittings, 1911.

MR. HENRY B. FITZGERALD, died upon the 5th October, 1923, at his residence 26 Brighton Square, Rathgar, Co. Dublin.

Mr. Fitzgerald was admitted in Trinity Term, 1876, and practised at 205 Gt. Brunswick Street, Dublin, up to 1908, when he retired.

MR. ALFRED B. KELLY, died upon the 21st October, 1923, at his residence 50 Waterloo Road, Dublin.

Mr. Kelly was admitted in Trinity Term, 1857, and practised at Castlebar up to 1919, when he retired.

New Solicitors.

The following have been admitted from May to October, 1923, inclusive:—

Name	Served apprenticeship to
Barry, James R.	John J. Horgan, Cork.
Derham, Felix Stephen	W. J. O'Reilly, Sligo.
Hughes.	
Early, Helena M.	Thomas Early, Dublin.
Fitzgerald, Edward M.	Admitted under Sec. 29 of Solicitors (I) Act, 1898.
Healy, Alexander M.	Maurice Healy, Cork.
Keane, Michael Joseph	Patrick S. Golding,
Columba	Galway.
McCartan, John Fergus	M. J. Johnston, Downpatrick.
McCarthy, Wm. Traut	F. H. Downing, Tralee.
O'Kelly, Bernard J. D.	M. C. O'Meara, Dublin.
Pigot, David Richard	J. M. Maxwell, Dublin.
Rice, Wm. St. Clare	R. Rice, Fermoy.
Smith, Philip N.	Admitted under Sec. 29 of Solicitors (I) Act, 1898.
Taylor, John	H. S. Robinson, Londonderry.
Walsh, Edward	J. J. Kennedy, Birr.
Walshe, Joseph Patrick	E. F. Collins, Dublin.
Wolfe, Robert B.	F. C. E. Bland, Dublin.

Change of Address.

Messrs. Crowley & Bolger, Solicitors, have removed from No. 52 Lower Sackville St., to Nos. 3 and 4 Lower Sackville St., Dublin.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVII, No. 6.] December, 1923.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

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Vol. XVII., No. 6]

December, 1923.

[FOR CIRCULATION
AMONGST MEMBERS

HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held in the Molesworth Hall, Dublin, on Monday 26th November, 1923, Mr. Joseph Edward MacDermott (President) in the chair.

The following members of the Society were also present :—

A. W. Stirling (Vice-President), Peter Seales (Vice-President), W. G. Bradley, P. J. Brady, J. W. Dyas, E. N. Edwards, Frank Fottrell, W. H. Fry, C. G. Gamble, W. S. Hayes, M. L. Hearn, William Henry, R. N. Keller, James Moore, A. H. S. Orpen, A. D. Orr, T. G. Quirke, Patrick Rooney, W. V. Seddall, W. T. Sheridan, J. H. Walsh, R. G. Warren, Sir George Roche, James Henry, C. H. Chaytor, J. J. Gaynor, T. D. McLoughlin, O. P. Beater, E. R. M'C. Dix, James Brady, E. R. Bate, R. A. O'Brien, F. C. E. Bland, E. Condell, F. S. D. Colquhoun, T. R. Craig, F. E. Birmingham, F. S. de V. White, B. R. W. Doran, Edward S. Lowe, W. T. Mackay, H. D. Draper, A. Tuthill, C. St. G. Orpen, E. J. Mallins, Samuel Kerr, H. R. Whelan, P. J. Collins, J. Fagan, V. F. Kirwan, D. C. Maher, O. W. Kennedy, R. W. MacNeice, J. McDermott, P. Glynn, D. Dunne, S. M. Bell, T. A. Ireland, J. Moran.

The Secretary read the notice convening the meeting, also the minutes of the Half-yearly Meeting, held on 16th May last, which latter were signed by the President, who also signed the audited accounts for the year ending 30th April, 1923.

The Secretary read the report of the scrutineers of the ballot for Council for the year, which stated that the following had been returned as provincial delegates:—W. H. Halpin (Ulster), James S. Gaffney (Munster), Michael Buggy (Leinster), and Henry J. Concannon (Connaught); and the following having obtained the number of votes placed after their names, have been elected as the thirty-one ordinary members of the Council:—P. J. Brady, 195; J. E. MacDermott, 192; T. G. Quirke, 192; W. S. Hayes, 179; E. H. Burne, 173; P. Seales, 171; A. H. S. Orpen, 168; J. W. Richards, 162; W. G. Bradley, 160; W. V. Seddall, 158; R. G. Warren, 156; B. Thompson, 156; C. G. Gamble, 152; F. Fottrell, 148; A. D. Orr, 145; E. N. Edwards, 143; J. Moore, 143; W. T. Sheridan, 142; C. P. Wilson, 141; Sir J. R. O'Connell, 139; W. H. Fry, 139; R. B. White, 136; J. H. Walsh, 133; M. L. Hearn, 133; A. W. Stirling, 132; P. Rooney, 127; R. N. Keller, 125; W. Henry, 120; J. W. Dyas, 115; James O'Connor, 111; R. N. Matheson, 111; and the following for a supplemental list to fill vacancies:—R. D. English, 79, and H. G. Morris, 76.

THE PRESIDENT in moving the adoption of the annual report of the Council, said:—Before I submit to you formally a resolution for the adoption of our Report permit me to make a few comments. I venture to do so, not that I hope to impart to you any item of novelty or wisdom, but

in deference to our custom, and with a view of emphasising and directing your notice to some of the chief subjects which have engaged our attention during the year. As a general observation in respect to that period, I am within the truth when I tell you that, in no year of the history of our Society have matters of such grave importance been submitted to the consideration of our Council, matters concerning not only our own professional interests, but matters affecting the entire community, and the future of our country.

Among these, two infringe upon ownership to an extent which in past times and in normal conditions, would have seemed a serious trespass on the recognised rights of contract and possession. One of these is the continuance of the Rent and Mortgage Restriction Acts. The earlier of these enactments was intended to serve a transient purpose and to meet difficulties which, as was then hoped, would cease soon after the expiration of the War. But this hope was not fulfilled; and the Act of this year was consequently passed.

My uninformed opinion and wish was that the restrictions under the Act of 1920, should cease on its expiration, but I was one of the members of the Commission to whom it had been referred to consider the advisability of continuance or of amendment of that Act, and the evidence which was brought forward of the still existence of the conditions in amelioration of which the Act of 1920 and previous Act had been passed, left all the members of the Commission convinced of the advisability of continuance.

To a large extent these conditions were the result of the Great War, but it is well to remember that in no small measure the misguided legislation which was embodied in the land clauses of the Finance Act, 1909/10, contributed thereto. These clauses failed to satisfy the purposes for which they were ostensibly enacted, and the taxes payable thereunder fell for the most part on the enterprising builder. Thus in conjunction with the rising price of labour and material, such taxes proved a deterrent to the erection of new buildings, so that even before the Great War there was a shortage in the normal rate of building of houses in the

United Kingdom, which shortage in the course of the four years preceding the War had accumulated as has been calculated to 200,000 houses less than the demand.

As regards this country, it may be noted, that one of the reasons strongly urged in support of those clauses, was that the population of Great Britain was increasing at a rate of 400,000 a year, that hence the value of land, especially in the vicinity of towns, must be increasing, and with a freak of reasoning the Act was applied to this country, where at the time the population was decreasing at the rate of 45,000 a year.

In the political jargon of the day, this alleged increase in land values was designated "unearned increment." This is a phrase to which it would be difficult to attach any legal right or obligation, and I now refer to these sections of the Finance Act as an example of the danger of the legislature following the dictates of the electioneering platform in respect to the ownership of property without reference to lawyers.

The other measure to which I have referred is the Land Act, 1923. It is noteworthy as being an example, rare in the history of any country, of compulsory acquisition by the State of property on so large a scale. It is not, however, an acquisition by the State for the community at large. Its object is to satisfy the claims of the farmers who have failed to secure purchase of their holdings under previous purchase Acts, or of those whose holdings it is considered desirable to enlarge in agricultural and other interests.

The conditions which called for much of the Land Legislation in this country have ceased, but the land purchase schemes embodied in that legislation; and especially that of this century, have rendered it advisable, if not imperative, that these purchase schemes initiated by the Parliament of the United Kingdom should be continued and completed.

Owners of land and farmers were led to believe by the assurances of the Statesmen of the day who were in power, that such completion would be the care of and a charge upon the British Treasury in the event of separate legislatures, and for the land owners it is certainly unfortunate that the completion has fallen upon the Free State in their first

years of government, when the present financial state of the country apparently does not admit of the Government offering more generous terms than those which have been offered.

It is submitted, however, that the Government of Great Britain should be reminded of its honourable obligation to aid in this completion, and be requested to do so through or with the approval of our Government.

Not only in respect to what may be called the lessor's interest but also in respect to the interest of the lessee of large holdings, great and unusual powers have been reserved by the Act to the Land Commission, and it is to be hoped that these powers shall be exercised with wisdom, and with recognition that the man farming and grazing on a large scale who does justice to his lands in the course of agriculture, or in the improvement of cattle breeding, is an absolute necessity for agricultural progress.

For centuries the land question has been a festering sore in Irish political and economic life. Note the following words:—"These poor people have been accustomed to as much injustice and oppression from their landlords the great men, and those who should have done them right as any people in that which we call Christendom. Sir, if justice were impartially administered here, the foregoing darkness and corruption would make it look so much the more glorious and beautiful." It may surprise some of my listeners to learn that these words are taken from a letter of Oliver Cromwell. But even before the date of that letter, in the reign of James I, a similar reproach was made by Sir John Davis in his "Discovery of the state of Ireland."

What we have to deplore now is, that ameliorating legislation came so tardily, or in so incomplete a shape, as sometimes to render conditions worse. After the lapse of over two hundred years from the date of Cromwell's letter, the first ameliorating Act was passed. This was the Land Act of 1849, establishing the Incumbered Estates Court. That Act was baneful both to landlord and tenant; and certainly the Land Act of 1860 was not helpful to either.

We senior members of the profession know how frequent and how unsatisfactory the land law legislation was subsequent to 1870. Perhaps the most comprehensive and most equitable measure for the settlement of the land question, as between landlord and tenant, was the Act of 1903; but its full operation was frustrated mainly by the British Treasury, and many land owners as well as tenants were misled that the operation of the Act of 1903 was not carried to the completion.

Historians tell us that the foundation of property in land is political, not ethical; but whatever historic sanction there may be for this proposition, it is manifest that where ownership of land, such as that which existed for centuries in this country, has become during that long interval the subject of sale and purchase, and the most important foundation of the commercial credit of the country, compulsory acquisition by the State, is both dangerous and inequitable unless with adequate compensation.

The Government of the Free State, as I have submitted, appear to be doing their utmost in the rate of compensation provided for by the Land Act, 1923, having regard to the financial state of the country; but in all honesty, supplemental to this, the British Government should assist. The present and its needs cannot be properly understood without reference to the past, and I have therefore ventured to remind you of the past by this short retrospect. We must hope now that the Act of 1923 will not only end the long standing Land question, but in a wise administration will begin a new era of agricultural prosperity in the country.

A matter which, though it is one of deep concern to the whole community, yet more nearly touches the interests of the profession, is the judiciary Bill which is still pending in the Dail.

To what is stated on the subject in our report, I have only to add that it was with extreme reluctance that your Council consented to the extension of the jurisdiction of the proposed Circuit Courts to actions in contracts up to £300, and in tort, £100.

Your Council consented in deference to the strongly urged opinion of the members and delegates of the Provincial Bar Association of Ireland, representative of the Provincial Solicitors. That the Judiciary Committee went beyond the recommendations of the Provincial Bar Association is in the opinion of your Council a matter of regret. But whatever disapproval there may be, we must accept the Bill with a resolve to make its operation so far as possible, useful to the public, and avert the evil results which we apprehend. In this attempt we hope that we shall not be frustrated by the rules which have to be framed under the Act, but that these rules shall be so framed as to give liberty to the plaintiff in the selection of the Court wherein he is to pursue his claim, and to give a wise discretion to the Judge in the matter of costs, so that the plaintiff may not be penalised when he makes reasonable selection.

"He that goeth about to persuade a multitude that they are not so well governed as they ought to be shall never want attentive and favourable hearers, because they know the manifold defects whereof every kind of regiment is subject; but the secret lets and difficulties which in public proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider."

When tempted to criticise Government, I always recall these words, the opening sentence in Hooker's "Laws of Ecclesiastical Polity." Written over three hundred years ago, they are still applicable.

The remarks which I make, therefore, are not to be taken as criticism adverse to the Government. I fully appreciate the great difficulties which the Government of the Free State has had to contend against since its establishment, and the greatness of the work which in spite of these difficulties it has accomplished.

For some years the legal profession has had to work under embarrassing conditions and in future our work must be carried on under conditions which will differ in many respects from what we have been accustomed to in the past, and no doubt recent experience and natural apprehension of change, render

many anxious for the future. I have heard too, from several of my esteemed colleagues, the expression of regret that lawyers are not at present popular. But was popularity ever incident to the exercise of the law? As an old writer says in respect to recourse to law: "It is a good remedy, bad business, and worse recreation." Like Wordsworth's sequestered maiden by the Springs of Dove, the best part of our professional life and work is half-hidden from the view, hence of us there are none to praise, and very few to love.

The wonderful realm of research and discovery too, such as belongs for instance to the great medical profession, and which worthily claims the admiration of the public does not pertain to us. We are guided by experience and precedent, and cannot pretend to that interest. Nevertheless, for the maintenance of Society, our work is not only useful but absolutely necessary.

The other evening a member of the Bar, speaking at our Apprentices' Debating Society, compared it to the mortar which knits together the social fabric. I may add that, when the architectural beauties of a building call forth our admiration, we do not spend much of it on the cement and mortar; but all the same, consequent on its decay or want, comes disintegration and destruction.

Prosperity follows peace, and the successful exercise of our professional duties are dependent on peace. Our office is to see that the laws intended for the protection of liberty, and the rights of property, shall be properly interpreted and applied on behalf of every individual who has recourse to us. It is a great and honourable undertaking, and your Society strives not merely to protect our professional privileges, but to see that in that respect the public is well served.

To us as to every other member of the community, it is of vital interest that law and order should prevail with peaceful conditions, so that each can carry on his avocations without danger or menace from those who make their own idiosyncrasies a religion.

The President of our Free State went this year on a double mission of Peace; one that the Free State might be enrolled in the League of Nations, and the other to pay tribute to the shrine of that great Irishman Columbanus, the first great missionary who left our shores to preach Christian peace and true freedom. In his farewell letter to his brethren in the North of Europe Columbanus uses the phrase: "Si tollis libertatem tollis dignitatem," words signifying that worthiness of life must be the companion of true freedom, that freedom cannot exist save when accompanied by all that seemliness and civic virtue which is expressed by the Latin word "dignitas" and which has been so lacking in our country during recent years. However, to-day we are justified in hoping that that wretched period of hate, and shame of crime and destruction has ended, and for ever. The country has recognised too that inaptitude for honest work does not constitute the hero or the patriot, and we have an indication of returning confidence and enterprise in the extensive application which already has been made to share in the National Loan. I beg to move the adoption of the report of the Council.

MR. STIRLING, Vice-President, seconded the adoption of the report.

MR. JAMES BRADY said he was sorry to see by the report that amongst the other evils arising from Partition that the membership of the Society had been considerably reduced. As to the Courts of Justice Bill, he personally regretted that no attempt was made to amalgamate both branches of the legal profession in a country which consisted only of about four million inhabitants, and that as well as having two branches of the profession they had also the expensive luxury of two sets of judiciaries. He further regretted to observe from the report that but small attention appeared to be given by the Government to the suggested amendments to the Bill as proposed by the Council.

SIR GEORGE ROCHE said that the falling off in membership was due to the lack of accommodation and the loss of their

library. They ought to press forward their claim for compensation on the Government and to get suitable premises. He also drew attention to the difficulty in obtaining Accountant-General's accounts of funds in Court.

MR. T. H. R. CRAIG said that it was stated that there was a demand for the Courts of Justice Bill, and that the English laws were not suitable for this country. In or about the year 1756 the Irish Parliament established civil bill procedure and county courts. It was they who were first with their procedure—and they had procedure in this country as distinct from a Crown bill that was set up by a Grand Jury—and a great many of the sections were taken out of their bill and embodied in 14 and 15 Victoria, which was their first county court in this country.

This bill, he believed, instead of making law cheaper, would make it cost double. All this could have been avoided if the Government had gone around to the profession and explained what they wanted. The bill would double the expense, would not work, and would muddle the whole thing. The bill would not hurt the solicitors' profession, but would hurt the public.

MR. PATRICK J. BRADY said that, rightly or wrongly, some people thought that the old laws were not adapted to the needs of this country, and that they ought to be altered and improved. It was obligatory on the Government, under the terms of the Constitution, that this reorganisation of the judicial system should be undertaken. He believed that, if the bill was given a chance it would work in the interests of the profession as well as in the interests of the public.

DR. T. J. QUIRKE said that he did not agree with the views of Mr. P. J. Brady. The bill would damage credit. One gentleman in the Dail said that it was no business of theirs to enable a Manchester man to recover his debts here. Was ever such a doctrine put forward?

He thought that it was the business of the law to make it easy for a man to recover what

was due to him. People in Manchester, London, and Glasgow would restrict their trade, and they should deal internationally. They should get coal from England, and they would not get coal from England on credit if they made it difficult for people to recover their honest debts.

MR. J. MORAN said there was still a chance to have the Bill held up or amended, by the Incorporated Law Society, and members of the profession. The measure was absolutely unworkable, and the only reason for it that President Cosgrave could give was that he wanted to tear up everything connected with England.

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

MR. H. D. DRAPER moved that a Committee consisting of three members of the Council and three members of the Society not on the Council, be appointed to deal with the Courts of Justice Bill as it at present stands, and that the three members of the Committee not on the Council be Mr. T. H. R. Craig, Mr. James Brady and Mr. John Moran.

MR. ROONEY seconded the resolution, which was passed.

MR. STIRLING (Vice-President) having taken the second chair, a cordial vote of thanks was passed to the President on the motion of Mr. Craig, seconded by Mr. James Brady, and the President returned thanks.

Meetings of the Council.

14th November.

Twenty-one Members Present.

Statutes and Rules.

A letter in reply was read from the Controller of the Stationery Office, stating that the Society may now rest assured that every step will be taken not only by the

Stationery Office, but also by the Speaker's office and the Publishers, to secure that not only will copies of statutes be immediately available, but that there will be an adequate supply whenever there is likely to be a large demand.

Damages to Property Act, 1923.

In reply to a letter from a member of the Society, enquiring as to provision being made for the costs of preparation and service of the form prescribed by the Minister of Finance under section 4 of this Act, the Council decided to express the opinion that the costs are a Solicitor and Client charge.

28th November.

Twenty-six Members present.

The Governor-General.

A letter was read in reply from the Governor-General, thanking the Council for their letter of sympathy on the occasion of the death of his brother Mr. Maurice Healy.

Courts of Justice Bill.

The Secretary submitted resolution passed at the General Meeting appointing a Committee in reference to this Bill, and the Council appointed the President, Dr. Quirke, and Mr. Rooney to act on the Committee.

Damage to Property (Compensation) Act, 1923.

A letter was read in reply from Judge Brown, stating that the members of the County Court Judges Rules Committee who signed the rules of July, 1923, under this Act, would not be all in Dublin for some time to come, and accordingly could not receive a deputation from the Council at present in reference to the scale of costs prescribed by the rules, but suggesting a memorandum on the subject might be forwarded for consideration. It was referred to the County Courts and Costs Committee to prepare a memorandum to be immediately forwarded to the Judges for consideration.

General Meeting.—President's Address.

It was resolved that the Society's GAZETTE for December, containing report of the proceedings at the Half-yearly General Meeting, and the President's address at that meeting, be sent as usual to members of the Society, and in addition to those members of the profession who are not members of the Society.

The New President.

The Council have elected Mr. James Moore of the firm of Messrs. W. M. Moore and Son, 8 Anglesea Street, Dublin, to be President of the Society for the ensuing twelve months. The newly elected President was admitted a Solicitor in Michaelmas Sittings, 1890 was elected a member of the Council in 1911, and was a Vice-President. 1914-15. He has always been an enthusiastic promoter of Rugby football in Ireland, and for several years past has been an Irish Representative on the International Rugby Football Board.

Obituary.

MR. MAURICE HEALY, died upon the 9th November, 1923, at his residence, Ashton Lawn, Ballintemple, Cork.

Mr. Healy was admitted in Trinity Sittings, 1882, and practised at 48 Grand Parade, Cork.

MR. WELLESLEY, N. G. DESPARD, died upon the 21st November, 1923, at his residence, 1 Coote Terrace, Mountrath.

Mr. Despard served his apprenticeship with Sir William Fry, Dublin, and was admitted in Easter Sittings, 1900.

MR. NORBERT L. MORAN, died upon the 27th November, 1923, at New Ross.

Mr. Moran served his apprenticeship with Messrs. D. & T. Fitzgerald, Dublin, and was admitted in Trinity Sittings, 1890, and practised at 19 Eustace Street, Dublin.

Library.

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

Mr. W. L. Barlee, Mr. R. C. Joy, Mr. Joseph McDermott, Mr. A. S. Merrick (Belfast); Messrs. Rooke & Rooke, and Messrs. H. & W. Stanley.

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



THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVII, No. 7.]

January, 1924.

[FOR CIRCULATION
AMONGST. MEMBERS.

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THE GAZETTE

OF THE

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Vol. XVII., No. 7]

January, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

5th December.

Twenty-nine Members present.

Election of President and Vice-Presidents.

The Council elected Mr. James Moore to be President of the Society, and Mr. R. Nesbitt Keller and Sir John R. O'Connell to be Vice-Presidents for the ensuing twelve months.

Recorder's Court.

It was decided that a letter be written to Mr. Hugh Horan, Solicitor, who is in charge of the Damages to property (Compensation) Act cases in the Chief State Solicitor's Office, urging that reasonable and sufficient length of notice should be given in advance of the date upon which each case would appear in the list for hearing.

Land Act, 1923.

The further consideration of the preparation by the Council of a Memorandum on the subject of Vendors' Solicitors' Costs of Sale, was postponed pending the issue of the rules relating to the work to be done under the Act up to allocation.

12th December

Twenty-five Members present.

Extra-Ordinary Members.

The names of the following were submitted by the Southern Law Association for election as extra-ordinary members of the Council for the year ending 26th November, 1924:—Mr. A. H. Exham (President), Mr. A. H. Julian, Mr. J. J. Horgan, Mr. P. J. Kavanagh and Mr. C. J. Lane.

Statutory Committee.

The Secretary reported that the Lord Chief Justice of Ireland had appointed the following members of the Council to be the Statutory Committee for the year ending 26th November, 1924:—Mr. Moore, Mr. Brady, Mr. MacDermott, Mr. Quirke, Mr. Séddall, Mr. Warren and Mr. White.

Recorder's Court.

A letter in reply was read from Mr. Hugh Horan, Solicitor, stating that he hoped to be able to make arrangements so that solicitors for Claimants under the Damages to Property (Compensation) Act will have longer notice of the day upon which their cases will be heard; and that as regards claims for larger amounts, the Solicitors will get ample notice of the time when the cases will be heard.

Solicitors' Annual Certificates.

Members are reminded that their annual Certificates for the year ending 5th January, 1925, should be taken out, and the duties paid thereon, before the 6th February, 1924.

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

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

Obituary.

MR. CHRISTOPHER J. P. FARRELL, died upon the 17th December, 1923, at his residence Longford.

Mr. Farrell served his apprenticeship with the late Mr. William Carey, 2 Wellington Quay, Dublin, was admitted in Trinity Sittings, 1900, and practised at Longford.

MR. WILLIAM J. FLEMING, died upon the 17th December, 1923, at his residence, Mourne View House, Lurgan.

Mr. Fleming served his apprenticeship with Sir Charles H. Brett, Belfast, was admitted in Hilary Sittings, 1901, and practised at Lurgan.

MR. JOHN O'DWYER, died upon the 24th December, 1923, at his residence St. Michael Street, Tipperary.

Mr. O'Dwyer was admitted in Michaelmas Term, 1876, and practised at Tipperary.

MR. JOSEPH P. O'CONNOR, died upon the 25th December, 1923, at Clontarf.

Mr. O'Connor was admitted in Trinity Sittings, 1890, and practised at Dublin.

Appointments.

MR. JOHN P. MCGOVERN, Solicitor, Enniskillen, has been appointed Under Sheriff for the Co. Kilkenny in room of Mr. James McCreery, resigned.

MR. JAMES LYNCH, Solicitor, Ennis, has been appointed State Solicitor for the County of Clare, in the room of the late Mr. John B. Lynch.

MR. CHARLES T. KENNEDY, Solicitor, Skibbereen, has been appointed Under Sheriff for the Co. Cork in room of Mr. John Jermyn, Solicitor, resigned.

Commissioners to Administer Oaths

The Lord Chief Justice of Ireland has appointed the following to be Commissioners to Administer Oaths:—

Joseph A. Mulligan, Charlestown, Co. Mayo.

Thomas F. Rogers, Tipperary.

Commissioners for Oaths (Northern Ireland).

The following have been appointed by the Lord Chief Justice of Northern Ireland to be Commissioners to Administer Oaths:—

James Herron, Solicitor, Ballynahinch.

Richmond A. E. Evans, Solicitor, Ballynahinch.

John P. Thompson, J.P., Secretary of Derry Chamber of Commerce.

James McCleery, Solicitor's Assistant, 33 Shipquay Street, Londonderry.

Stephen McManus, Dungiven.

John Ross, Solicitor's Assistant, Drapers-town.

Notaries Public.

The Lord Chief Justice of Ireland has appointed the following to be Notaries Public:—

C. Rupert Robinson, Solicitor, 10 Nassau Street, Dublin for City and County of Dublin.

William Keily, Solicitor, Letterkenny.

Damage to Property Compensation Act, 1923.

The Council submitted to the County Court Judges in the month of December a memorandum in reference to the Schedule of Costs contained in the Criminal Injuries Rules, 1923, in which attention was directed to the inadequacy of the remuneration prescribed by that Schedule, and in particular to the omission of the fee for preparing the preliminary notice, and to the very limited discretion given to the Judges to make a special order increasing the prescribed costs. As a result of the consideration of this memorandum, amending rules have been made by the Lord Chief Justice of Ireland and the County Court Judges, and these amending rules, dated the first day of January, 1924, were published in the Dublin Gazette of 11th January, 1924, and are as set out below.

County Courts (Ireland).

Local Government (Ireland) Act, 1898, Damage to Property (Compensation) Act, 1923, and Damage to Property (Amendment) Act, 1923.

RULES OF COURT.

1. In all cases where the amount of compensation recovered exceeds £10, there shall be included in the Schedule of Costs payable to Applicant's Solicitor the items set out in the Schedule hereto.

2. The provision as to "Special Orders" contained in the Schedule to the Criminal Injuries Rules, 1923, is hereby revoked, and in lieu thereof the power to make "Special Orders" shall be as set out in the Schedule hereto.

3. On the hearing of any application for compensation, where, under Sec. 12 of the Damage to Property (Compensation) Act, 1923, a Commission or Request has been applied for to take evidence, the Judge may allow to or against any party such sum for costs in respect of the application therefor, and, if the application be granted, such sum for costs and expenses of the Commission

or Request (as the case may be) as he may deem just and reasonable.

4. Form No. 12 in the Schedule to the Criminal Injuries Rules, 1923, omitting therefrom, and from the title thereof, all reference to "reopening and rehearing a former decree" shall be used as the form of Decree in other cases of compensation for injury to property; and said Form No. 12 so amended shall be adapted accordingly, with or without full or partial reinstatement conditions, as the nature of the Order may require.

5. These Amending Rules shall be cited as the "Criminal Injuries Amending Rules, 1924."

SCHEDULE.

For preparing Statutory Declaration and Preliminary Notice (where necessary) and advising thereon.	Where the amount of compensation recovered does not exceed £50. Fifteen Shillings. Where the amount of compensation recovered exceeds £50 but does not exceed £100. One pound Where the amount of compensation exceeds £100. One pound and ten shillings.
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SPECIAL ORDERS.

In all cases in which Solicitors' charges, costs, and expenses have not been provided for, or in which having regard to the work actually performed or the peculiar difficulty or complexity of the case, the allowances in the costs Schedule shall appear to the Judge to be inadequate, he may, in such exceptional cases, make a special Order, allowing such costs, charges, and expenses as he may think just and reasonable, provided always that such additional special allowance shall in no case exceed £20.

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



THE GAZETTE

OF

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[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

16th January.

Twenty-two Members present.

Criminal Injuries Rules.

A letter was read in reply from Judge Brown, stating that the memorandum of the Council in reference to the Schedule of Costs contained in the Criminal Injuries Rules of July, 1923, had been considered by the County Court Judges, and that amending rules had been made by the Lord Chief Justice and County Court Judges.

These amending rules appeared in last month's Gazette.

Court Officers (Temporary Appointments) Bill.

This Bill was considered, and at the request of the Council the President undertook to interview the Minister of Home Affairs in reference to it.

Court of Examiners.

Three applications for leave to be bound under Section 16 of the Solicitors (Ireland) Act, 1898, were considered; two were granted, and one was refused.

30th January.

Twenty-eight Members present.

Land Purchase Acts Rules.

The President informed the Council that he had been consulted by the Judicial Commissioner in relation to Rules about to be made under the Land Purchase Acts.

Labourers (Ireland) Acts.

The President informed the Council that he had been consulted by the Minister for Local Government, in relation to a Rule about to be made under the Labourers (Ireland) Acts, increasing by fifty per cent. the scale of Solicitors' costs under those Acts.

Compensation Commission Awards.

The question of the retention by the Minister of Finance of the amount of the costs of decrees awarded by the Compensation Commission to applicants, in addition to the retention of the full amount of the compensation awarded, towards the discharge of the debts due to the Irish Free State by applicants, was again considered, and it was decided to make further representations in support of the contention that the amount allowed for costs under these awards should be paid to the Solicitors who acted for the applicants and obtained the decrees.

Court Officers (Temporary Appointments) Bill.

The President informed the Council that, with the Secretary, he had had an interview with the Minister of Home Affairs in reference to this Bill, who had stated he would consider the suggestions of the President, and had requested a memorandum containing the amendments to the Bill suggested by the President, and that this memorandum had since been sent to the Minister.

Obituary.

MR. WILLIAM H. NOLAN, Solicitor, died upon the 2nd January, 1924.

Mr. Nolan was admitted in Hilary Sittings, 1891, and practised at Castlereá.

MR. HENRY BLACKBURNE, Solicitor, died upon the 23rd January, 1924, at his residence High Street, Carrickfergus.

Mr. Blackburne served his apprenticeship with the late Sir Alexander McDowell, Belfast, and practised at Cathedral Buildings, Belfast.

Commissioners to Administer Oaths.

The Lord Chief Justice of Ireland, has appointed the following to be Commissioners to administer Oaths:—

Pierce Morrissey, District Court Clerk, Fethard.

Daniel M. Delany, District Court Clerk, Cashel.

Francis Philips, Peace Commissioner, Cashel.

Thomas F. O'Keeffe, District Court Clerk, Carrick-on-Suir.

Bridget Hennessey, Widow, Kildare.

Frederick W. Strath, Bank Manager, Kildare.

Edward Archer, Peace Commissioner, Bray and Newtownmountkennedy.

George J. Kennedy, Solicitor's Assistant, Kilkeel, Co. Clare.

Land Act, 1923.

The Council have settled a memorandum containing a suggested Scale of remuneration by commission, for Solicitors for Vendors under the above Act. Copies of the memorandum can be obtained by members from the Secretary at 33 Molesworth Street.

Order XLVII, Rule 9, of the Rules of the Irish Land Commission, dated the 5th February, 1924, provides as follows:—

"To obtain a certificate from the Judicial Commissioner for payment to the Vendor out of the Costs Fund when the costs of the proceedings have not been taxed, a bill of the costs incurred drawn in accordance with the schedule of fees must be furnished and, if the Judicial Commissioner so directs, shall be taxed."

Land Act, 1923. Rules.

Rules dated the 5th February, 1924, under the Land Purchase Acts, have been made by the Irish Land Commission, and can be obtained from Messrs. Hodges and Figgis, 20 Nassau Street, Dublin. Price, three shillings, by post three shillings and twopence.

Land Purchase Acts, 1903 and 1909.

The Judicial Commissioner has requested the President to call the attention of members of the profession to the delay in many cases pending under the above Acts, in which money or stock has gone to credit, but in which *prima facie* titles have not yet been lodged.

Private Bill Legislation.

The Standing Orders of the Dáil and the Seanad, relative to Private business, can be obtained from Messrs. Eason and Son, 40 Lower Sackville Street. Price five shillings, by post five shillings and twopence.

High Court Sittings, 1924.

Hilary Sittings end on Thursday, 10th April; Easter Sittings begin on Thursday, 24th April.

Labourers (Ireland) Acts.

The Minister for Local Government, after consultation with the President of the Incorporated Law Society of Ireland, has made the following rule, which appeared in the Dublin Gazette of 15th February, 1924:

"The Fees and the amounts specified in the scale of costs prescribed by Rule 52 of the Labourers (Ireland) Order, 1912, as substituted by the Labourers (Ireland) Order, 1914, shall be, and the same are hereby increased by an amount equivalent to 50 per cent. of such prescribed fees and amounts."

The Minister for Local Government has appointed Mr. Michael Dawson, Solicitor, of 20 Molesworth Street, Dublin, to act as Taxing Officer for the purposes of the Rule substituted by the Labourers (Ireland) Order, 1914, for Rule 52 of the Labourers (Ireland) Order, 1912.

Society's Calendar.

The Society's Calendar for 1924, can be obtained in the Secretary's Office,

33 Molesworth Street, Dublin, price five shillings, by post five shillings and sixpence.

Examinations, April, 1924.

The Final Examination will be held on the 2nd, 3rd, and 4th days of April next, in the Royal College of Surgeons, St. Stephen's Green, Dublin, at 10 o'clock, a.m., each day.

Intending candidates should lodge their notices in the Secretary's Office, 33 Molesworth Street, Dublin, before the 19th March.

The Preliminary Examination will be held on the 10th and 11th days of April, next, in the Royal College of Surgeons, St. Stephen's Green, Dublin, at 10 o'clock, a.m., each day.

Intending candidates should lodge their notices in the Secretary's Office, 33 Molesworth Street, Dublin, before 27th March.

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



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THE GAZETTE

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Vol. XVII., No. 9.]

March, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

13th February.

Twenty-one Members present.

Court Officers (Temporary Appointments) Bill.

A letter in reply was read from the Minister of Home Affairs giving in detail the reasons for the necessity of this Bill, and his reasons for not accepting the amendments suggested by the Council.

Law Courts.

A letter in reply was read from Mr. Horan, K.C., stating that he hoped in the near future a waiting room at the Law Courts, Dublin Castle, would be set aside for the exclusive use of Solicitors.

Land Act, 1923.

A memorandum containing a suggested scale of remuneration by commission for Vendor's Solicitors under the Land Act, 1923, was adopted. Copies of this memorandum may be obtained by members from the Secretary.

27th February.

Twenty-five Members present.

Damage to Property (Compensation) Act, 1923.

It was resolved to request the Minister of Finance to give his consent to the application retrospectively of the Criminal Injuries Costs Rules of 1924.

It was also resolved to request the Minister of Finance to prepare under Section 11 (1) of the Act a scale for compensation in respect of destroyed documents.

British Income Tax.

A letter in reply was read from the Secretary, Inland Revenue, Somerset House, stating that the Board had given their careful consideration to the request that declarations by Irish Free State Citizens might be made before Commissioners of Oaths in addition to those persons named in the form of declaration, but they regretted they are unable to accede to the request. It was decided to address a further communication on the subject to the Board.

Indemnity Act, 1923.

This Act, and the regulations made under it, were referred to the County Courts Committee for consideration.

Obituary

MR. GEORGE T. C. ROE, Solicitor, died upon the 27th February, 1924, at Kingstown. Mr. Roe served his apprenticeship with Mr. James A. Denning, Dublin, was admitted in Trinity Sittings, 1901, and practised at 8 Nassau Street, Dublin, up to the year 1921, when he retired.

New Members.

The following have joined the Society:—

John R. Lawson, 33 Molesworth Street, Dublin.

James Malseed, Ramelton.

Charles W. O'Brien, 96 Merrion Road, Dublin.

Commissioners to Administer Oaths.

The Lord Chief Justice of Ireland has appointed the following to be Commissioners to administer Oaths:—

Colahan, Martin L., Solicitor, Ballinasloe.

Cassidy, Michael J., District Court Clerk, Castlereagh.

Dunlevy, Anthony, District Court Clerk, Donegal.

Morris, Peter, Solicitor's Assistant, Ballinrobe.

Mulligan, James W., Solicitor's Assistant, Ballyshannon.

O'Neill, Thomas, Assistant to Clerk of Peace, Carlow.

Shannon, Patrick J., Merchant, Kilrush.

Society's Calendar.

The Society's Calendar for the year 1924 can be obtained in the Secretary's Office, 33 Molesworth Street, Dublin, price five shillings, by post five shillings and sixpence.

Easter and Trinity Sittings Lectures, 1924.

The Junior Class Lectures will begin on Thursday, 24th April.

The Senior Class Lectures will begin on Friday, 25th April.

The Junior Class will adjourn after the lecture on the 26th May, and resume on 12th June, and the Senior Class will adjourn after the lecture on 27th May, and resume on 13th June.

District Justices Courts.

The Stationery Office has issued a Calendar of District Courts, and general information relating thereto, including the days and hours of Sessions for each Court town in the Free State, and the names and addresses of Peace Commissioners. The Calendar can be obtained from Messrs. Eason and Son, 40 Lower Sackville Street, price two shillings, by post two shillings and two-pence halfpenny.

Irish Free State Statutes.

No. 1922

1. Constitution.
2. Adaptation of Enactments.
3. Appropriations.
4. Local Elections, Postponement.
5. Expiry Laws Continuance.

1923

No.

1. Comptroller and Auditor General.
2. Indemnity (British Military).
3. Statutory Undertakings (Continuance of Charges).
4. Enforcement of Law (Occasional Powers).
5. The Griffith Settlement.
6. District Justices (Temporary Provisions).
7. Central Fund (No. 1).
8. Double Taxation (Relief).
9. Local Government (Temporary Provisions).
10. Solicitors (Ireland) Act, 1898, Amendment.
11. Local Authorities (Extension of Time).
12. Electoral.
13. Summer Time.
14. Governor-General's Salary and Establishment.
15. Damage to Property (Compensation).
16. Statutory Undertakings (Continuance of Charges (No. 2)).
17. Unemployment Insurance.
18. The Oireachtas (Payment of Members).
19. Increase of Rent and Mortgage Interest (Restrictions).
20. National Health Insurance.
21. Finance.
22. Rathdown No. 1 Waterworks Provisional Order Confirmation.

23. Censorship of Films.
24. Civic Guard (Acquisition of Premises).
25. Law Trust Powers.
26. Army Pensions.
27. Land Law (Commission).
28. Public Safety (Emergency Powers).
29. Public Safety (Emergency Powers) (No. 2).
30. Defence Forces (Temporary Provisions).
31. Indemnity.
32. Finance (No. 2).
33. Appropriation.
34. Superannuation and Pensions.
35. Civil Service Regulation.
36. Dail Eireann Courts (Winding Up).
37. Civic Guards (Temporary Provisions).
38. The Prevention of Electoral Abuses.
39. Dyestuffs (Import Regulations) Repeal.
40. Valuation (Postponement of Revision).
41. League of Nations (Guarantee).
42. Land.
43. Damage to Property (Amendment).
44. Licensing (Renewal of Licenses).
45. County Courts Amendment.
46. Interpretation.
47. Expiring Laws.
48. Local Elections Postponement (Amendment).
49. Local Authorities (Indemnity).
50. Gaming.

1924.

No.

1. Public Safety. Powers of Arrest and Detention.
2. Court Officers, (Temporary Appointments).
3. Dail Eireann Loans and Funds.
4. Coroner's Qualification.

General Council of Provincial Solicitors Association.

The First Annual General Meeting of the Association was held at 33 Molesworth Street, Dublin, on 27th February, 1924.

Mr. Arthur Julian (Cork) occupied the Chair, and there was a large and representative attendance.

Messrs. Laurence J. Ryan (Thurles) and James J. Lynch (Kells) were re-elected Hon. Secretaries.

The Report of the Hon. Secretaries for the year 1923 was read and adopted, and it was directed that the same be printed and circulated amongst the Provincial Solicitors, Saorstát Eireann.

The following resolution was passed unanimously:—

“That inasmuch as the Country Solicitors are vitally interested in the Rules to be made for Circuit and District Courts under the Judiciary Bill, that Sections 63 and 87 of the Bill should be amended by providing that the Rule Making Authorities thereunder include two Solicitors nominated by the Incorporated Law Society, and two Solicitors nominated by the General Council of the Provincial Solicitors”; and a Deputation was appointed to wait on the Attorney General and put the views of the Council before him.

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THE GAZETTE

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Vol. XVII., No. 10.]

April, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

March 12th.

Eighteen Members present.

Death of Mr. H. J. Synnott.

A resolution was passed expressing the deep regret of the Council at the death of Mr. Henry J. Synnott, a past President of the Society, and expressing the sympathy of the Council with his relatives.

Damage to Property (Compensation) Act, 1923.

A letter was read in reply from the Attorney-General stating that the Minister of Finance has the preparation of a scale in accordance with Section II (1) under consideration, and that he hopes shortly to submit a draft of same to the President of this Society for his consideration.

Law Courts.

A letter was read from Mr. Horan, K.C., enclosing copy of letter from the Revenue Commissioners relative to the question of establishing a Stationery Office at the Stamp Office, Dublin Castle, for the sale

of legal judicature forms and documents, and stating that the Commissioners had carefully considered this matter, but considered it would be at present premature, and that the proposal would be further considered as soon as the new judiciary forms had been settled by the rule-making authority to be appointed under the new Courts of Justices Bill.

March 26th.

Twenty-four Members present.

Death of Mr. F. W. Meredith.

A resolution was passed expressing the deep regret of the Council at the death of Mr. Frederick W. Meredith, a past President of the Society, and expressing the sympathy of the Council with Mrs. Meredith and his family.

Damage to Property (Compensation) Act, 1923.

A letter was read in reply stating that the Minister of Finance regrets that he is unable to consent to the application of the Criminal Injuries Amending Rules, 1924, to decrees made prior to the 1st January, 1924.

Obituary.

MR. HENRY J. SYNNOTT, Solicitor, died upon the 8th March, 1924, at his residence Avonmore, Killiney, Co. Dublin.

Mr. Synnott, served his apprenticeship with the late Mr. William R. C. Richardson, 31 Kildare Street, Dublin, was admitted in Hilary Sittings, 1895, and practised at 31 Kildare Street, Dublin (in partnership with Messrs. F. D. Darley and C. St. G. Orpen), under the style of Darley, Orpen, and Synnott.

He was a member of the Council of the Society from November, 1903 to November, 1918, and was President of the Society for the year 1913-14.

MR. HUGH C. O'DOHERTY, Solicitor, died upon the 10th March, 1924, at his residence, Buncrana, Co. Donegal.

Mr. O'Doherty was admitted in Trinity Sittings, 1879, and practised at Londonderry.

MR. THOMAS W. KILPATRICK, Solicitor, died upon the 15th March, 1924, at his residence Armagh.

Mr. Kilpatrick was admitted in Trinity Sittings, 1883, and practised at Armagh.

He was Sub-Sheriff for the County of Armagh for a period of twenty-five years.

MR. FREDERICK W. MEREDITH, Solicitor, died upon the 19th March, 1924, at his residence Lordello, Shankill, Co. Dublin.

Mr. Meredith served his apprenticeship with his father, the late Mr. William Rice Meredith, Dublin, was admitted in Michaelmas Sittings, 1882, and practised at 32 Molesworth Street, Dublin.

He was a member of the Council of the Society from 1900 to 1912, and was President of the Society for the year 1910-11.

MR. F. HANS KENNEDY, Solicitor, died upon the 15th March, 1924, at Longford Terrace, Dun Laoghaire, Co. Dublin.

Mr. Kennedy served his apprenticeship with his father, the late Mr. Frederick Kennedy, 4 Lr. Ormond Quay, Dublin, was admitted in Michaelmas Sittings, 1895, and practised for some years at 4 Lower Ormond Quay, Dublin.

Commissioners to Administer Oaths.

The Lord Chief Justice of Ireland has appointed the following to be Commissioners to administer Oaths:—

Doyle, Charles S., Solicitor, 15 Kildare Street, Dublin.

Kirwan, Valentine E., Solicitor, 13 Suffolk Street, Dublin.

Lambert, Septimus D., Solicitor, 35 South Frederick Street, Dublin.

O'Neill, Laurence J., Solicitor, 35 Molesworth Street, Dublin.

Collins, Maurice, District Court Clerk, Clonakilty.

Fitzpatrick, Michael J., Surveyor, Rathdowney.

Madden, Dennis F., District Court Clerk, Waterford.

Peace Commissioners.

The following are the names and addresses of Peace Commissioners whose offices are in the central portion of the City of Dublin:

James C. Meldon, 28 South Anne Street.
Charles E. McLoughlin, 47 Great Brunswick Street.

Thomas H. Mason, 5 Dame Street.

James McAsey, Bank of Ireland, College Green.

James McMurrough, 58 Middle Abbey Street.

W. Moffat Wilson, 3 College Green.

C. H. Gick, 28 Molesworth Street.

Cecil J. MacDougald, 24 Saint Andrew Street.

Gerald Horan, K.C., The Castle.

H. W. Jackson, K.C., The Castle.

Henry J. Maguire, The Castle.

Constantine P. Curran, The Castle.

Edward J. Walshe, The Castle.

Arthur Kingsworth, 7 Anglesea Street.

Michael Ryan, 12 Lower Camden Street.

P. J. Cahill, 64 Aungier Street.

John A. Smyth, 30 South Anne Street.

James Whelan, 17 Upper Ormond Quay.

Charles Greene, 3 Kildare Place.

James J. Dalton, 12 Wicklow Street.

W. F. Delaney, 7 Gardiner's Row.

The Courts of Justice Act, 1924.

This Act received the Royal assent on 12th April. Section 2 of the Act provides:

"This Act shall come into operation on such day or days as may be fixed therefor by any Order or Orders of the Executive Council, and different days may be fixed for the commencement of the Act for different purposes provided that no such day be later than five months after the passing of this Act."

Library.

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

Halsbury's Laws of England, 31 Volumes. Thick paper edition.

Butterworth's Encyclopaedia of Forms and Precedents, 17 Volumes.

Supplement to Butterworth's Encyclopaedia of Forms and Precedents, 7 Volumes.

Butterworth's Workmen's Compensation Cases, 16 Volumes.

Prideaux: Conveyancing, 21st Edition.

Buckley: Company Law, 10th Edition.

Bell: Food and Drugs, 7th Edition.

Alpe: Stamp Duties, 17th Edition.

Willis: Workmen's Compensation, 22nd Edition.

The Council acknowledges with thanks gifts of books for the Library from the following:—

Master Macnamara, Mr. R. Nesbitt Keller, and Mr. A. M. Fullerton.

New Solicitors.

The following have been admitted from November, 1923, to April, 1924, inclusive:

Name	Served Apprenticeship to
Blake, Henry St. John	James W. Blake, Galway.
Carroll, Edmund	Anthony Carroll, Fermoy
Carter, Richard G. H.	R. J. Fetherstonhaugh, Mountmellick.
Coghlan, James P.	Thomas J. Kelly, New Ross.
Collins, Desmond J.	Eugene Collins, Dublin.
Comeford, Wm. James Valentine	Henry Concannon, Tuam.
England, St. James-Bradfield	E. Rice, W. Nolan, and R. B. Heuston, Tipperary.
Graham, Francis M.	M. A. Smyth, Dublin.
Hollinger, John D.	G. B. Hanna, W. Martin, Francis L. Brownrigg, Dublin.
Lavan, John Ambrose	James P. Lavan, Newcastlewest.
Lawson, John R.	H. J. McCormick, Dublin.
MacNeice, Herbert	R. W. MacNeice, and H. P. Mayne, Dublin.
Malseed, James	Joseph Fagan, Cavan.
Roe, William Thomas	W. Kerr Johnston, Dublin.

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THE GAZETTE

OF

Incorporated Law Society of Ireland.

Vol. XVIII, No. 1.]

May, 1924.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVIII., No. 1]

May, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

9th April.

Sixteen Members present.

Valuation Office.

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

British Income Tax.

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

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

30th April.

Twenty-one Members present.

Stop Orders.

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

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

Courts of Justice Act, 1924.

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

Annual Subscriptions.

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

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

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

Obituary.

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

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

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

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

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

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

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

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

Professorship of Common Law.

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

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

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

Stop Orders.

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

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

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

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

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

Results of Examinations.

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

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

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

Eighteen Candidates attended; fourteen passed; four were postponed.

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

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

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

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

Intermediate Examination.

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

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

Irish Solicitors' Golfing Society.

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

A dinner will be held in the evening.

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THE GAZETTE

OF

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Vol. XVIII, No. 2.]

June, 1924.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XVIII., No. 2]

June, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

HALF-YEARLY GENERAL MEETING.

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

The following Members were present:—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEETINGS OF THE COUNCIL.

14th May.

Twenty-four Members present.

Income Tax Claims.

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

Foreign Correspondents.

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

28th May.

Twenty-seven Members present.

Civil Bill Appeals.

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

Obituary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Courts of Justice Act, 1924.

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

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

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

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

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

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

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

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Vol. XVIII., No. 3.]

July, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

11th June.

Twenty-three Members present.

Civil Bill Appeals.

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

Income Tax Claims.

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

Local Government Bill, 1924.

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

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

25th June, 1924.

Twenty-eight Members present.

Colonial Solicitors' Act, 1900.

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

Court of Examiners.

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

Obituary.

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

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

Professor of Common Law.

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

Notaries Public.

The following have been appointed to be Notaries Public:—

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

Commissioners to Administer Oaths.

The following have been appointed Commissioners to administer Oaths:—

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

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

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

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

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

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

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

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

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

McCabe, James J., Solicitor, Cork.

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

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

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

Thornhill, Wm. W., Solicitor, Cork.

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

Crean, Cecilia, District Court Clerk, Claremorris.

Dardis, Leo, District Court Clerk, Kilkenny.

Dowling, Thomas, Law Clerk, Kilkenny.

Flanagan, William, Peace Commissioner, Tullamore.

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

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

McCreery, Charles E., Auctioneer, Kilkenny.

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

McGowan, James, District Court Clerk, Sligo.

McNally, John T., Law Clerk, Waterford.

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

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

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

Solicitors' Buildings, Four Courts.

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

Irish Free State Acts, 1924.

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

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

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

Statutes (Northern Ireland).

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

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August, 1924.

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

9th July.

Twenty-seven Members present.

Estate Duty.

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

Land Registry.

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

Stamp Adjudication Office.

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

23rd July.

Twenty-eight Members present.

Examinations.

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

Obituary.

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

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

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

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

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

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

New Members.

The following have joined the Society—

Desmond J. Collins, 19 Eustace Street, Dublin.

Thomas W. Franks, 9 Eustace Street, Dublin.

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

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

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

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

John J. Smith, Castlebar.

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

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

RESOLVED:

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

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

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

Local Government Bill, 1924.

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

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

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

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

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

Sheriffs' Fees.

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

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

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

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

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

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

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

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

SCHEDULE.

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

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

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

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

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

Intermediate Examination Result.

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

CLASS I.

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

CLASS II.

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

28 Candidates attended—22 passed; 6 were postponed.

The Society's Examinations—October, 1924.

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

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

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

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

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

Lectures

Michaelmas Sittings, 1924.

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

JUNIOR CLASS.

October 27, 30.

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

December 1, 4.

SENIOR CLASS.

October 28, 31.

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

December 2, 5.

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



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BALLOT FOR COUNCIL.

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

HALF-YEARLY GENERAL MEETING.

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

MEETINGS OF THE COUNCIL.

October 1st.

Twenty-one Members present.

Land Registry.

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

Land Act, 1923.

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

Costs Query.

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

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

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

October 15th.

Twenty-five Members present.

Court of Examiners.

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

Solicitors' Acts.

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

October 29th.

Twenty-three Members present.

Court of Examiners.

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

Land Registry.

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

Annual Report.

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

New Members.

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

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

- Murphy, J. B., Clones.
 McCabe, J. J., 17 South Mall, Cork.
 Noonan, M. F., Rathkeale.
 O'Connor, Daniel P., Naas.
 O'Meara, B. M., 18 South Mall, Cork.
 Parke, William A., Clones.
 Pigot, D. R., 14 Fitzwilliam Place, Dublin.
 Pringle, Alexander, Clones.
 Quinlan, C. S., 12 Gt. George Street, Waterford.
 Roche, Samuel, Tullow.
 Skinner, J. G., Mitchelstown.
 Skinner, W. J., Clonmel.
 Spain, C. J., Roscrea.
 Tynan, Michael, 41 William Street, Limerick.

Obituary.

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

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

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

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

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

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

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

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

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

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

Examination Results.

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

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

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

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

Preliminary Examinations Prizes, 1924.

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

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

CLASS I.

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

CLASS II.

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

Ten Candidates attended and the 10 Candidates passed.

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

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

The Council awarded Silver Medals to Samuel Love, Dorothea M. Browne and John S. O'Connor, and Special Certificates to James Tanham and Michael Kavanagh. Thirty Candidates attended; 19 passed; 11 were postponed.

Scholarships, 1924.

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

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

Damage to Property (Compensation) Act, 1923.

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

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

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

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

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

- (2)
- (a) The above scale applies to cases in which the documents in question have been totally destroyed.
 - (b) In cases of damage only, a fair and reasonable proportion of the compensation payable in respect of total destruction shall be allowed in accordance with the Judge's assessment of the damage done, the above figures being regarded as maxima, subject to (c) below.
 - (c) The increase of 50 per cent. authorised by the Rules made in 1920, pursuant to the Solicitors Remuneration Act, 1881, shall be applicable to the above scale.

District Courts:

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

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

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



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HALF-YEARLY GENERAL MEETING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reports available. There are now 876 volumes.

I am glad to say, as you see from our balance sheet, that our financial condition has substantially improved during the year.

The time is now beginning when young Solicitors who serve their apprenticeship in the Free State will not be entitled to practise in Northern Ireland, and those who serve their apprenticeship in Northern Ireland will not be entitled to practise in the Free State. All Solicitors sworn in prior to 1st October, 1921, have a right to practise in every part of Ireland. All who were apprentices to Solicitors in Ireland on or prior to 1st October, 1921, when admitted in the Free State, have the additional right to practise in Northern Ireland, or on admission in Northern Ireland have the additional right to practise in the Free State, but apprentices who after the 1st October, 1921, are articled to Solicitors in the Free State, on admission have only the right to practise in the Free State, and apprentices who are articled after 1st October, 1921, to Solicitors in Northern Ireland, on admission are entitled to practise in Northern Ireland only.

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

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

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

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

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

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

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

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

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

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

The New President.

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

Obituary.

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

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

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

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

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

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

New Members.

The following joined the Society during November:—

Kirwan, Laurence, Wexford.

Lavan, John A., Newcastle West.

Rice, Edmond A., Fermoy.

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

Lectures, Hilary Sittings, 1925.

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

JUNIOR CLASS.

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

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

SENIOR CLASS.

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

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

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



THE GAZETTE

OF

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Vol. XVIII, No. 7.]

January, 1925.

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THE GAZETTE

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January, 1925.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

3rd December.

Thirty-one Members present.

Solicitors' Buildings.

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

Compensation Awards, Section 15.

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

Dublin Gazette.

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

Sheriffs' Fees.

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

10th December.

Twenty-two Members present.

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

Extra-Ordinary Members.

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

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

Sheriffs' Fees.

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

17th December.

Twenty-five Members present.

Local Government Bill.

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

Statutory Committee.

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

Committees.

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

Obituary.

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

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

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

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

New Members.

The following joined the Society during December, 1924:—

Boyle, James, Stranorlar.

Kennedy, Kenneth A., Tullamore.

MacNeice, Herbert, 6 Dawson Street, Dublin.

Solicitors' Annual Certificates.

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

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

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

The Society's Calendars and Annual Reports.

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

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

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

New Solicitors.

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

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

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

High Court Sittings.

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

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Council Meetings.

14th January.

Sixteen Members present.

Publication of Statutes.

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

Land Commission.

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

28th January.

Twenty-one Members present.

Publication of Statutes.

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

Private Bills.

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

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

Roll of Solicitors.

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

Land Commission.

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

Obituary.

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

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

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

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

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

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

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

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

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

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

New Members.

The following joined the Society during January:—

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

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

Civil Bill Appeals.

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

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

Tipperary, N.R.—5th February.

Tipperary, S.R.—12th February.

Waterford—23rd February.

Kilkenny—3rd March.

Carlow—9th March.

Wicklow—16th March.

Wexford—23rd March.

Naas, 30th March.

Maryborough, 2nd April.

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

Tullamore, 5th February.

Carrick-on-Shannon, 12th February.

Sligo, 23rd February.

Castlebar, 4th March.

Roscommon, 30th March.

Galway, 15th April.

Midland Circuit.—Mr. M. J. Kenny, K.C.

Commissioner:—

Mullingar, 5th February.

Trim, 10th February.

Dundalk, 17th February.

Monaghan, 3rd March.

Longford, 19th March.

Cavan, 2nd April.

Lifford, 28th April.

Munster Circuit.—Mr. R. J. Doyle, K.C.

Commissioner:—

Cork, 5th February.

Ennis, 23rd February.

Limerick, 9th March.

Tralee, 24th March.

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

Northern Ireland Assizes.—Circuit Dates.

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

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

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

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

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

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

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

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

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

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

Appeals from Circuit Courts.

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

Land Purchase Proceedings.

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

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

Library.

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

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

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

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

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

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

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

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

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

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

April Examinations, 1925.

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

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

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March, 1925.

[FOR CIRCULATION
AMONGST MEMBERS

Meetings of the Council.

11th February.

Twenty-four Members present.

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

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

Land Commission.

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

Adjudication of Stamp Duties.

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

Court of Examiners.

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

25th February.

Twenty-four Members present.

The Late Lady O'Connell.

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

Local Government Bill, 1924.

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

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

Obituary.

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

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

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

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

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

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

Appointments.

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

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

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

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

Notaries Public.

The following have been appointed to be Notaries Public:—

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

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

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

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

Tierney, Martin, Solicitor, Cavan.

Commissioners to Administer Oaths.

The following have been appointed Commissioners to administer Oaths:—

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

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

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

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

Ambrose, Joseph, District Court Clerk, Bagenalstown.

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

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

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

High Court Sittings, 1925.

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

Circuit Court Appeals.

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

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

Society's Calendar, 1925.

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

Solicitors' Businesses.

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

Library.

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

English Law Reports, 1865-1924.

Weekly Notes, 1865-1924.

Irish Reports, 1865-1924.

Dublin Directories, 1772-1925.

Annual Practicè, 1925.

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

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

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

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

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

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

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

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

Lectures.

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

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

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[FOR CIRCULATION
AMONGST MEMBERS

Council Meetings.

11th March.

Twenty-five Members present.

Land Commission.

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

Examinations.

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

25th March.

Nineteen Members present.

Affidavits in District Courts.

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

Preliminary Examination.

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

Adjournment.

The Council adjourned until Wednesday, 22nd April.

Obituary.

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

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

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

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

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

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

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

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

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

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

Local Government Act, 1925.

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

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

Society's Calendar, 1925.

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

Library.

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

- Mr. F. E. Bermingham—Report of Council; Appointments to Legal Offices, 1914.
- Mr. J. Cusack—Irish Law Times, 1870 and 1871 and 1888-1905.
- Mr. F. V. Gordon—Townland Index, 1871.
- Mr. T. A. Ireland—Irish Law Directory, 1846, and Irish Law Times, 1905 and 1906.
- Mr. F. S. de Vere White—Report of Council, 1860.
- Messrs. White & White—Society's Calendars, 1887, 1891, 1896 and 1900.

Easter and Trinity Sittings Lectures, 1925.

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

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

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

Irish Free State Acts, 1925.

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

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

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

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



