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THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin"

Telephones 2607 (2 lines).

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The Incorporated Law Society of Ireland.

COUNCIL AND OFFICERS ELECTED NOVEMBER, 1906,
FOR YEAR ENDING 26TH NOVEMBER, 1907.

President:

WILLIAM S. HAYES.

Vice-Presidents:

JAMES HENRY.

HENRY J. SYNNOTT.

Ordinary Members:

SIR GEORGE ROCHE.
SIR AUGUSTINE F. BAKER.
WILLIAM S. HAYES.
WILLIAM FRY.
F. C. EARLE BLAND.
E. D. MACLAUGHLIN.
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RICHARD S. REEVES.
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WILLIAM H. DUNNE.
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JAMES HENRY.
S. ST. L. BURKE.
F. W. MEREDITH.
A. L. BLOOD.
M. J. O'CONNOR.

Provincial Delegates:

Ulster—DANIEL MURRAY.

Munster—HENRY BLACKALL.

Leinster—W. J. GROVE WHITE.

Connaught—WILLIAM P. KELLY.

Extra-Ordinary Members:

Northern Law Society.

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JOHN D. COATES.

GEORGE B. WILKINS.

Southern Law Association.

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FREDERICK HALL.

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Treasurers:

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary:

WILLIAM GEORGE WAKELY.

Solicitors' Buildings, Four Courts, Dublin.

THE GAZETTE

OF THE Incorporated Law Society of Ireland.

Vol. I, No. 1, May, 1907.

FOR CIRCULATION
AMONGST MEMBERS.

THE Council have decided to issue to the members of the Society monthly, (except in the months of September and October) a Gazette, the contents of which will consist chiefly of statements of work done by the Council during the previous month, notes of decisions of professional interest, and announcements as to examinations and admissions of apprentices. The Council will be glad to receive from members notes of matters of interest to the Profession for publication, but the Council reserve the right to reject or modify such notes.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investment on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 116 Grafton Street, Dublin.

THE GAZETTE is not intended to be in competition with the existing Law journals or periodicals.

Correspondence will not be published in THE GAZETTE.

Half-Yearly General Meeting.

THE Half-Yearly General Meeting of the members of the Society will be held upon Thursday, the 16th day of May, 1907, at two o'clock p.m., in the Hall of the Society, Solicitors' Buildings, Four Courts.

In addition to such other business as may be properly brought before the meeting, the ordinary business to be transacted consists of the nomination of scrutineers of the ballot for election of the Council, to be held upon 21st November next, and the election of auditors of the accounts of the Society for year ending 30th April, 1907.

Meeting of the Council.

THE Council met upon Wednesday, 17th April. The President (Mr. W. S. Hayes) in the chair, and twenty-three other members were present.

The Secretary reported that in the case of *Wakely v. Horkan*, heard at Swinford upon the 12th April, before the County Court Judge of Mayo, a decree for a penalty of £5 was obtained against the defendant for having prepared for remuneration an assignment of land, contrary to the provisions of 27, Vict. cap. 8.

A Report from the Costs Committee, recommending the Council to support an appeal in the case of *Brandon v. Hanna*, against a decision of a Taxing Master, was confirmed.

The opinion of the Council having been requested as to the disallowance by an examiner of the Land Commission, of five guineas placed on the schedule for payment to a firm of land agents, for their services in obtaining signatures to seven consents apportioning the rent charge, the Council expressed its approval of the ruling.

The application of Mr. A. P. Ross, Barrister-at-law, under section 29 of the Solicitors (Ireland) Act, 1898, to attend the Final Examination was granted.

Council Meetings.

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

May 1st and 15th.
June 5th and 19th.
July 3rd, 17th, and 31st.

Committee Meetings.

THE following Committee meetings were held during April:—

Library and Finance on 12th and 26th.
Costs on 15th.
Parliamentary on 24th.
County Courts on 15th.
Court of Examiners on 22nd.

Annual Subscriptions.

MEMBERS are reminded that the annual subscription to the Society (£1 town members, and such country members as voted at election of ordinary members of Council, and 10s. other country members), became due upon the 1st day of May, as well as annual press rentals (five shillings).

New Members.

The following have become members of the Society since 1st January, 1907:—

Allen, George, Belfast.
Bell, Sidney M., Dublin.
Brady, Edward E., Dublin.
Caldwell, Charles S., Londonderry.
Croskerry, Frederick H., Dublin.
Fitzgerald, M. E., Mallow.
Hayes, Edward W., Dublin.
Huggard, Thomas, Tralee.
Johnston, James, Magherafelt.
McLony, Maurice, Dundalk.
Quinn, John, Tuam.
Reid, John G., Castleblayney.
Wallace, Thomas B., Dromore.

The Northern Law Society.

A COMMITTEE meeting was held in the Central Hall, Rosemary Street, Belfast, on the 19th of April, 1907.

Mr. G. B. Wilkins, Vice-President, in the chair.

The Hon. Secretary submitted draft agreement for the new rooms for the Society.

The Secretary submitted a request signed by ten members of the Society, requesting an extraordinary meeting to be summoned to discuss the certificate duty payable by solicitors, with a view to having same abolished.

After consideration, the Secretary was directed to summon an extraordinary meeting for Monday, the 29th April.

Admission of local Barristers to the use of the Library of the Society was discussed; and it was decided that it would be advisable to extend the privileges of the Library to the members of the local bar.

The following resolution was passed:—

“The members of this Society, having complained to this Committee that very great delay takes place in the Registration of Title offices, Dublin, in the registration of transfers and mortgage charges, under the Local Registration of Title Act, we desire to protest against the delay, and call upon the proper authorities to remedy this grievance, either by the appointment of an additional staff, or otherwise.”

The Secretary was directed to send this resolution to the Lord Chancellor, and to the Chief Secretary for Ireland.

Legal Appointments.

(Members who receive legal appointments are requested to communicate particulars for insertion.)

SOLICITOR TO THE POST OFFICE.

THE Postmaster-General has appointed Mr. Edward Reginald Bate to be Solicitor to the Post Office in Ireland, in succession to Mr. Thomas R. Baillie-Gage, i.s.o., resigned. Mr. Bate was admitted in Michaelmas Term, 1876; he served his apprenticeship with the late Mr. Henry S. Mecredy, and with the late Sir William Findlater, D.L.; and obtained a Special Certificate at his Final Examination.

CHIEF CLERK TO THE LORD CHANCELLOR.

The Lord Chancellor has appointed Mr. Edward Drew MacLaughlin, LL.B., T.C.D.,

Solicitor, to be Chief Clerk to the Lord Chancellor, in room of Mr. William Graham Broöke, B.L., deceased. Mr. MacLaughlin was admitted in Hilary Sittings, 1881; he served his apprenticeship with Mr. Richard F. S. Reeves, J.P.; obtained a Silver Medal at his Preliminary Examination, and a Special Certificate at his Final Examination. He filled the office of President of the Incorporated Law Society of Ireland from July, 1904, to December, 1905.

New Commissioners to administer Oaths.

THE following, since the 1st January, 1907, have been appointed by the Lord Chancellor to be Commissioners to administer oaths:—

- Denis F. M'Carthy, Castletownbere.
- John Fogarty, Carlow.
- George Given, Omagh.
- David Joseph Brenan, Dungarran.
- William T. M'Gillicuddy, Killorglin.
- Charles Mitchell, Ramelton.
- Michael Bannon, Bawnboy.
- Alfred John Pateshall, Tipperary.
- Thomas C. Ross, Solicitor, Dublin.
- James Brady, Solicitor, Dublin.
- John M. M'Dowell, Solicitor, Dublin.
- William Buckley, Solicitor, Dublin.
- Denis Murphy, Gorey.

Vacation.

THE Easter Sittings terminate on Saturday, the 18th May, and Trinity Sittings commence on Saturday, the 1st June. On Whit Monday, the 20th May, which is a Bank Holiday, all the offices of the Supreme Court will be closed. Members are reminded that Order LXIV, R. 3, prescribes that where the time for doing any act or taking any proceedings expires on a Sunday, or any other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL.
Before Walker, C.; FitzGibbon and Holmes, L.JJ.

In re Patrick Ryan, a Bankrupt.
Costs. Order LXXXVIII, R. 105. Gross proceeds realized.

THIS was an appeal from an order of Boyd, J., refusing to allow the Solicitor for the Assignees full costs where the gross proceeds of the assets, exclusive of amount realized by sale of mortgaged property of the Bankrupt, did not exceed £100, but which, inclusive of the amount realized by sale of the mortgaged property, did exceed £100. Order LXXXVIII, R. 105, of the Rules of Supreme Court of 1905 is as follows:—"When the gross proceeds of the assets realized in any bankruptcy or arrangement do not exceed £100, the disbursements, together with three-fifths only of the professional charges, shall be allowed, unless the Court otherwise specially directs."

Held, confirming Order of Boyd, J., that the term "assets" in the order is restricted to property distributable amongst unsecured creditors, and the Court refused to interfere with the discretion of the Judge exercised under the latter part of the rule.

Reported in I.L.T.R., Vol. xli, page 78.

KING'S BENCH DIVISION.
(Before Madden and Boyd, JJ.)

Brandon v. Hannia.
Costs. Consultation prior to motion for new trial.

THIS was an appeal by the defendant from the disallowance, by the Taxing Master as between party and party, of the costs of a consultation between Counsel before a motion for a new trial, for the reason that he had allowed the defendant, as between party and party, the costs of a consultation prior to the trial.

The consultation in question had been certified by Senior Counsel as being necessary, and as having been held. Held, reversing the Taxing Master, that the reason given for the disallowance was insufficient, and based upon a wrong principle, and that the action being one of some importance, the consultation should be allowed, and that the bill should be referred back to the Master for this purpose.

Reported in I.L.T.R., Vol. xli, page 75.

Taxing Office Forms.

THE undermentioned new forms have been sanctioned by the Taxing Officers with the view of facilitating the preparation of certificates of Bills of Costs, and of obviating the necessity of engrossing certificates in the cases to which these certificates apply.

1. Certificate of Taxation of Ordinary Costs of Action, &c.
2. Certificate of *Ex-parte* Taxation. Costs of Registering Judgment as Mortgage.
3. Certificate of *Ex-parte* Taxation of Costs of obtaining Grant of Probate, or Grant of Letters of Administration.
4. Certificate of *Ex-parte* Taxation. Costs of passing Account of Receiver, &c.
5. Certificate of *Ex-parte* Taxation. Costs of passing Account of Committee or Receiver.

Annual Certificate Duty.

THE Council, upon the 7th March, submitted a memorial to the Chancellor of the Exchequer, urging the abolition or substantial reduction of the certificate duties payable by Irish solicitors. No official reply has been received by the Society from the Chancellor of the Exchequer; but in reply to a question put to him by Mr. Vincent Kennedy, M.P., Solicitor, he stated that, having considered the memorial, he was not in a position to accede to its prayer.

The Council communicated with several Members of Parliament, asking support in favour of the memorial.

The Chief Secretary for Ireland (the Right Hon. A. Birrell) stated in reply that, knowing how many are the calls made upon the Chancellor for various purposes, he would feel some difficulty in pressing the claims of any particular case for reduction of taxation, but that he would convey to his colleague his view that if it were possible to make a reduction in these duties, it would be a fair thing, as, in his view, the duties are somewhat high.

Letters were also received from Mr. John Redmond, M.P.; the Attorney-General for Ireland, M.P.; Mr. V. Kennedy, M.P.; and Mr. P. O'Doherty, M.P.; promising support in the matter.

This duty, payable by solicitors on their certificates, was originally a war tax imposed for the first time by the Act 25 George III, cap. 80 (1785), and then applicable only to

Great Britain, the rates imposed by that Act being £5 for solicitors resident in London or Edinburgh, and £3 for solicitors resident elsewhere in Great Britain.

The duties were for the first time imposed upon Irish solicitors by the Act 56 George III, cap. 65 (1816), by which Act they were fixed at £8 for London, Edinburgh, and Dublin solicitors, and £3 for country solicitors; and these rates of duty were, by the Act of 5 & 6 Vict., cap. 82 (1842), increased to £12 and £8 respectively.

In the year 1853 the duties were reduced to £9 and £6 respectively—the amounts now payable. It therefore appears that the tax has from time to time been revised.

No tax similar to the annual tax thus payable by solicitors is imposed on either barristers, physicians, or the members of any other of the learned professions.

Solicitors, prior to admission, pay upon articles of clerkship a stamp duty of £80, and upon admission a stamp duty of £25.

The amount of revenue derived from the payment of certificate duty by Irish solicitors in the year 1886 was approximately £8,352, and the amount in 1906 was approximately £10,564 10s., showing an increase of revenue to the State produced by this duty in Ireland during recent years.

Labourers (Ireland) Act, 1906.

AGREEMENT AS TO SOLICITORS' REMUNERATION.

THE following is a copy of a proposal recently accepted by a District Council in the West of Ireland from its solicitor. The accepted proposal has been sanctioned by the Local Government Board:—"I agree to do all the work in connexion with the Labourers Act Scheme, now beginning, at the rate of £6 a site, this sum to include the getting-up of evidence at all inquiries, attending same, attending Council meetings; attending on all Appeals, and investigating all Titles, and drawing and witnessing all bonds."

REGISTRY OF TITLES UNDER LABOURERS ACTS.

THE following is a copy of a memorandum with reference to the practice in the Registry of Titles under the Labourers (Ireland) Acts,

1883-1906, issued from the Central Office, Dublin, last month:—

MEMORANDUM WITH REFERENCE TO THE PRACTICE IN THE REGISTRY OF TITLES UNDER THE LABOURERS (IRELAND) ACTS, 1883-1906. ISSUED APRIL, 1906.

NOTE.—This Memorandum is issued with a view to assisting the Local Registrars, Solicitors to Rural District Councils, and others in the work of Registration of Title under the Labourers Act of 1906; but as no decisions have yet been recorded under the Act, it must be taken as liable to subsequent modification or alteration, consequent on such judicial decision, or otherwise.

AS TO TITLE.

I. It would seem clear that in all cases the Council must obtain a Receipt or conveyance from a person capable of disposing of a registerable estate or interest—i.e., the fee simple, or a leasehold interest sufficiently long to justify registration on the Leasehold Register. It is also clearly the intention of the Legislature (though it is not explicitly so stated) that the Council should be registered as owner in fee simple. Therefore Councils should always see that they get in the freehold interest, where possible.

II. The title of the Councils must be registered in all cases. The question here dealt with thus confines itself to this—viz.:—*What document or other evidence of title is sufficient to authorize the Registrar to register the title of the Council?*

III. The Receipt or conveyance to be looked for in all cases is that of the person authorized to deal with a registerable estate (see I., above)—other documents may be disregarded for purposes of Registration.

The cases may be divided as follows, viz.:—

- (A) Those in which the compensation payable to the person entitled to a registerable estate (see I., above) does not exceed £60.
- (B) Those in which such compensation exceeds £60, but does not exceed £200.
- (C) Those in which such compensation exceeds £200.

Each of these divisions becomes subdivided into (a) cases where the acquired land has been already registered, and (b) cases where the lands have not been so registered.

As to (A), i.e., where the compensation does not exceed £60—Section 11 of the Labourers Act of 1906 deals with these cases.

The Receipt or conveyance may be given by a person who would be entitled to sell the fee simple in proceedings under the Purchase Acts, i.e., anyone who can fulfil one of the following qualifications, viz., who can:—

- (i.) Show *prima facie* title to an estate in fee simple, and give evidence of receipt by him or his immediate predecessor in title of the rents and profits for the past six years, either personally or by an agent.
- (ii.) Show *prima facie* title to an estate in fee simple, and give evidence that he, or his immediate predecessor in title, has been in actual occupation for the past six years, either personally or by an agent.
- (iii.) Show *prima facie* title to a leasehold estate, with sixty years still to run, and give evidence of receipt of rents and profits for the past six years, as in (i.)
- (iv.) Show *prima facie* title to a leasehold estate, with sixty years still to run, and give evidence that he has been in actual occupation for the past six years, as in (ii.).

The Receipt of a mortgagee, of any of these persons (i.), (ii.), (iii.), or (iv.) will be as effectual as their own; but it would seem unnecessary, having regard to Sub-section 9 of Section 11 of the Act of 1906, to make any enquiry as to mortgagees, or indeed, for any title beyond that set out at (i.) to (iv.), above.

A Receipt or conveyance executed by any of these persons will enable the Council to be registered as owner in fee simple. In cases where the plots coming under this group form portions of lands already registered, it will never be necessary to look beyond the Registered Owner for the person entitled to sell to the Council, even where the title is registered subject to equities. If the Receipt or conveyance tendered be one signed by an owner of a charge registered on the interest of a registered owner, the amount of the charge so registered should exceed the amount of compensation stated in the Receipt, &c.

In practice it is considered that the sole responsibility of ascertaining the person to whom compensation may be paid under Section 11 falls on the Council, and the Registrar will

act on any Receipt or transfer signed by a person purporting to deal with the fee simple or with a leasehold estate of which sixty years remain unexpired.

B.

As to (B), i.e., where the compensation exceeds £60 but not £200.—The law as it stood before the Act of 1906 still applies to this group.

The compensation payable to an owner of a registerable estate (see I, above) must be paid either—

- (a) to the person ascertained on an investigation of the title to be entitled thereto; or,
- (b) to trustees (see Section 71 of the Lands Clauses Act, 1845); or,
- (c) into Court.

If course (a) be adopted, it would seem necessary for the registering authorities to fully investigate the title, and a formal Application will be necessary, unless, of course, the land is already registered free of equities.

In course (b) all burdens will attach to the money in the hands of the trustees, and no investigation of title by the registering authorities will be necessary, and the Receipt of the trustees will authorize the Registrar to register the Council.

In course (c) also all burdens will attach to the purchase money, and the Council will execute a Deed Poll vesting the lands in themselves, and, on lodgment of this, will be registered as owner.

N.B.—Sums not amounting to £100 should be lodged in the County Court.

NOTE.—It does not follow in cases in this group (B) that the Council will be registered as owner in fee simple. They should, if possible, get in the fee simple; but if the interest in respect of which they produce evidence of the payment of compensation is only leasehold, they can be registered on the Leasehold Register, though this, as stated at I, above, is not advisable.

C.

As to (C), i.e., where the compensation exceeds £200:—

All the remarks under group (B) apply to group (C), with the exceptions that money over £200 cannot be paid to trustees nor into the

County Court. (The Section of the Lands Clauses Act dealing with these cases is Section 69.)

GENERAL OBSERVATIONS.

IV. In all cases the Solicitor must ascertain, by search or otherwise, whether the lands acquired are already registered or not, and, if they are, the Folio Number must appear in the receipt or transfer.

V. In cases of land already registered, it will generally be convenient that the transfer be made in Form 14 of the Rules under the Registration of Title Act, 1891.

In cases of unregistered land, long conveyances should be avoided, and, where possible, the form of Receipt given in the Local Government Board Rules adhered to (see Form 36), a statement being embodied showing the Estate in the lands (i.e., fee simple or leasehold) in respect of which money has been paid.

In all cases where the land is subject to a purchase annuity, the latter must be released. The release should, where possible, be endorsed on the Instrument transferring the plot.

VI. As all responsibility for the due execution of Receipts, &c., lies on the Council, the Registering Authorities do not insist on the verification of the signatures to those documents.

VII. In all cases a certified copy (which may be in the form of a tracing) of the Map of the lands dealt with by each Receipt or deed must be either endorsed on the instrument or attached thereto, and must contain sufficient detail to enable the lands to be identified on the Six-inch Ordnance Survey Maps. The certificate on the map should be signed by the Solicitor or Engineer of the Council, and may be in the following words, viz.:—

I certify, that this is a true copy of the Plot No. shown on the Ordnance Sheet No. Co. deposited with the Clerk of the Rural District Council, and which correctly delineates the lands transferred to the Council by by* dated the day of 19 on which, lettered "A," I have endorsed my name.

Dated this day of 19 :

For the above Council.

* Deed, Receipt, &c.

VIII. On lodgment in the Local Office of the proper documents, the Local Registrar will stamp on them the day and hour of receipt, and

(a) In the case of registered land, treat the transaction as an ordinary transfer, entering it in the "Dealings Book," but giving it a distinguishing mark to show that it is a Labourers Acts case;

(b) In the cases of unregistered land, treat the transaction as an application for first registration, entering it in his "Application Book" with a like distinguishing mark,

and transmit all to the Central Office without delay.

IX. No Stamp Duty is payable on any Receipt, transfer, or conveyance.

No fees are payable in the office for registration or for any searches made. A special (blue) form of Search Docket has been issued for this purpose.

N.B.—It may be taken that this exemption from Stamp Duty and Fees extends to Schemes pending on the 1st November, 1906 (the date on which the Act of 1906 came into operation), as well as to Schemes subsequently initiated.

X. If the Council lodging the documents has been already registered as owner of other lands in the same County, the Land Certificate held by them should be lodged, in order that the new plots may be added.

Land Commission Appeals.

The following sittings of the Court of the Land Commission for hearing appeals have been provisionally arranged:—

- Longford, June 4th.
- Carrick-on-Shannon, June 6th.
- Belfast, June 11th.
- Castleblayney, June 18th.
- Dublin, June 20th.
- Castlebar, June 25th.
- Castlereagh, June 27th.
- Dublin, June 26th.
- Gálway, July 2nd.
- Dublin, July 11th.
- Dublin, July 19th.

New Solicitors.

The following have been admitted as Solicitors since 1st January, 1907:—

Name.	Served apprenticeship to.
Ahern, Francis,	Henry F. Chidley, Dublin.
Austin, John Clark,	D. R. Babington, and S. C. Ross, both of Londonderry.
Bermingham, Frederick Ernest,	John Doherty and M. C. O'Meara, both of Dublin.
Brady, Edward Ellard,	James Brady, Dublin.
Byrne, Gerald A. G.,	Gerald Byrne, Dublin.
Clarke, Thomas,	D. F. Spiller, Belfast.
Cooper, John Kennan,	Wm. J. Shannon, Dublin.
Doheny, Walter Francis,	William O'Carroll, Dublin; and M. M. Murphy, Kilkenny.
Downes, Charles Patrick Joseph,	Thos. Downes and Daniel J. O'Connell, both of Skibbereen.
Eagleson, Samuel,	John K. Currie, Ballymena.
Goodbody, Jonathan,	Alf. E. Goodbody, Dublin.
Hardman, Cyril Hunt,	Hunt W. Hardman, Dublin.
Jefferson, Harold,	Chas. G. Jefferson, Belfast.
Johnston, James,	Robert M'Guckin, Magherafelt.
Mackitterick, William F.,	John H. M'Cann, Drogheda.
Martin, Thomas James,	Robert O'Neill, Coleraine.
M'Carthy, John Rice,	Jeremiah M'Carthy, Sligo.
Munn, A. Ector A. M.,	J. T. E. Miller, Londonderry.
Nelson, W. H. Niall,	Omar C. Nelson, Belfast.
Nolan, William S.,	Walter Nolan and Geo. H. Sargent, both of Cahir.
Rogers, James,	Lewis Goodbody, Tullamore.
Ryan, Richard,	John O'Hagan, Dublin.
Scott, G. Douglas,	J. T. E. Miller, Londonderry.
Sheahan, Joseph A.,	Thomas O'Meara, Dublin.

Additions to Library.

The following books have been added to the Library of the Society since the 1st January, 1907:—

- Alpe (E. N.): Law of Stamp Duties. 1907.
- Army List, Monthly. April, 1907.
- Barrett (W.) and H. J. McCann: Law of the Labourers. 2nd ed. 1906.
- Blackwell (G.): The Inebriates Act, 1879-1898. 1899.
- Bolton (A. D.): The Labourers (Ireland) Acts, 1883 to 1906. 1907.
- Bowstead (W.): Law of Agency. 3rd ed. 1907.
- British Mercantile Guide, 1907.

Chalmers (Sir M. D.) and D. Aden: Marine Insurance Act, 1906. 1907.

Chandler (P. W.): Accounts of Executors and Trustees. 2 vols. 1906.

Clarke (Sir E.): Law of Extradition. 3rd ed. 1903.

Dublin University Calendar, 1906-1907. Vols. II. and III. 1907.

Encyclopædia of Forms and Precedents. Vol. XIII. 1907.

Encyclopædia of the Laws of England. 2nd ed. Vol. III. 1907.

Farran (E. C.): Game Laws of Ireland. 1907.

Irish Local Government Quarterly Orders and Decisions. Vol. V. 1906.

Johnston (W. J.): Handbook on the Labourers Acts. 1907.

Law List for 1907.

Local and Private Acts, 1906.

Magisterial Cases reported in "The Justice of the Peace." Vol. XII., Part I. 1907.

Maguire (J.): Registration of Deeds, &c. New ed. 1906.

May (Sir J. E.): Law, Privileges, &c. of Parliament. 11th ed. 1906.

Moore (E. J.): Law of Charities in Ireland. 1906.

New South Wales Law Almanac, 1907.

Onslow (H. Hughes—): Lawyer's Manual of Book-keeping. 1906.

Palmer (F. B.): The Revised Table A. 1906.

Shareholders' Directors' Legal Companion. 1905.

Pollock (Sir F.): Law of Partnership, 8th ed. 1905.

Public General Acts. 1906.

Revised Reports, The: Vol. LXXXVIII. 1850-1852. 1907.

Roberts (J.): Divorce Bills in the Imperial Parliament. 1906.

Royal University of Ireland. Examination Papers, 1906. 1907.

Scottish Law List for 1907.

Solicitors' Remuneration Act, 1881: The General Order, Decisions, and Opinions of the Council of the Law Society. 5th ed. 1906.

Strahan (J. A.) and G. H. B. Kenrick: Digest of Equity. 1905.

'Stubbs' Commercial Year Book and Gazette Index for 1906. 1907.

Waterlow, Bros. and Layton's Legal Diary and Almanac for 1907.

Williams (J.): Law of Personal Property. 16th ed. 1906.

Willis (W. A.): Workmen's Compensation Act, 1906. 9th ed. 1907.

Solicitors' Benevolent Association.

THE Directors met upon the 17th April. Mr. Fry in the chair, and seventeen other Directors being present. The Secretary reported receipt of £29 8s. since last meeting, making total amount of £401 2s. of annual subscriptions received during current year. Grants amounting to £52 10s. were made to the following:—£10 to widow of a solicitor, £12 10s. to widow of a solicitor, £10 to widow of a solicitor, £15 10s. to widow of a solicitor, and £5 to daughter of a deceased solicitor.

An election to fill the vacancy for the "James Weir" annuity of £30 will be held in June.

Meetings of the Directors of the Association will be held upon the 5th day of June, and the 3rd day of July.

The following solicitors have joined the Association since the 1st January:—

John J. Duggan, Carlow.

William H. Halpin, Cavan.

J. C. Ryan, Clonmel.

M. E. Fitzgerald, Mallow.

William H. Nason, Dublin.

Hastings D. Draper, Dublin.

Laurence J. O'Neill, Dublin.

F. Cullinan, Ennis.

J. G. Perry, Dublin.

J. G. Franks, Dublin.

Thomas G. Quirke, Dublin.

William C. Gage, Dublin.

Edward E. Brady, Dublin.

John F. Dunwoody, Monaghan.

J. I. Donaghy, Belfast.

Solicitors desiring to become Life or Annual Members of the Association can obtain all information from the Secretary, F. C. Earle Bland, 10, St. Stephen's Green, Dublin, to whom subscriptions should be sent. Ten Guineas constitutes Life Membership, and One Guinea is the subscription for an Annual Member.

Examinations and Lectures.

THE following are the dates of Solicitors' Apprentices' Examinations to be held during the remaining portion of 1907:—

July 1st.—Intermediate.

October 7th.—Intermediate.

October 8th and 9th.—Preliminary.

October 10th and 11th.—Final.

Lectures will be delivered by Professor Quirke, B.A., LL.D., R.U.I., in the Lecture Theatre of the Society, at 4 p.m., to the Senior Class, on Real Property, Equity, and Conveyancing, on June 4th, 7th, 11th, 14th, 18th, 21st, 25th, and 28th. Lectures will be delivered by Professor Boyd, B.A., T.C.D., Barrister-at-Law, in the Lecture Theatre of the Society, at 4 p.m., to the Junior Class, on Common Law, on June 3rd, 6th, 10th, 13th, 17th, 20th, 24th, and 27th.

Solicitors' Apprentices' Debating Society.

MEETINGS of this Debating Society will be held in the Antient Concert Rooms, Great Brunswick Street, Dublin, at 8 o'clock p.m., on the following Mondays:—

May 13th.—Debate: "Should the Parliamentary Franchise be Extended to Women?"

June 3rd.—Debate: "Is the present attempt to revive the Irish language deserving of support?"

June 10th.—Debate: "Is the Victorian literature superior to that of the Elizabethan age?"

June 17th.—Legal Debate: "That the case of *M'Bride, Appellant; M'Govern, Respondent*, (1906) 2 I. R. page 181, was rightly decided.

June 24th.—Essay-Night.

Apprentices who wish to join the Society should communicate with the Hon. Secretary, F. E. Bermingham, 44 Kildare-street, Dublin.



Solicitors' Apprentices' Debating Society.

Members of this Debating Society will be held in the Antler (Guest) Room, Great Brunswick Street, Dublin, at a week's notice on the following Mondays:—

May 14th—Debate: "Should the Franchise be extended to Women?"
June 1st—Debate: "Is the present attempt to revive the Irish language advisable or impossible?"

June 14th—Debate: "Is the Nationalist superior to that of the Liberalism and?"
June 21st—Debate: "Is the Nationalist superior to that of the Liberalism and?"

Apprentices who wish to join the Society should communicate with the Hon. Secretary, F. A. Humphreys, 42, Kildare Street, Dublin.

Examinations and Lectures.

The following are the dates of Solicitors' Apprentices' Examinations to be held during the remaining portion of 1907:—

- July 1st—Latin.
- October 5th—Law.
- October 19th and 20th—Preliminary.
- October 26th and 27th—Final.

Lectures will be delivered by Professor Taylor, B.L.S., at the Law School, Dublin, on the following dates:—
July 1st—Latin.
October 5th—Law.
October 19th and 20th—Preliminary.
October 26th and 27th—Final.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2607 (2 lines).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I., No. 2.] June, 1907.

FOR CIRCULATION AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-Yearly General Meeting of the Society was held on the 16th May in the Solicitors' Buildings, Four Courts. The President, Mr. W. S. Hayes, occupied the chair, and the following members were present:—

- Sir A. F. Baker, A. L. Blood, A. E. Bradley, Gerald Byrne, Geo. Collins, James A. Denning, John G. Fottrell, Wm. Fry, Joseph Galloway, James Henry, M. Barrington Jellétt, John P. Lynch, F. W. Meredith, M. J. O'Connor, C. St. G. Orpen, J. W. Richards, Sir G. Roche, Wm. J. Shannon, Henry J. Synnott, W. V. Seddall, W. Grove White, W. P. Kelly, Joseph P. Tyndall, W. D. Sainsbury, H. J. M. McCormick, G. de R. Engelbach, G. M. Meares, John O'Sullivan, Patrick J. Brady, P. K. White, Roger Greene, E. S. Lowe, Joseph Gleeson, William J. Brett, M. J. Hanmore, G. R. Scott, John R. Stritch, M. J. O'Farrell, E. J. Kenny, J. Rose Byrne, Wm. Hunter, P. J. Rooney, D. A. Quaid, O. P. Beater, J. J. Rice, T. J. S. Harbinson, J. W. Davis, Wm. H. Geoghegan, Charles Corcoran, F. H. Croskerry, J. M. Magee, A. L. Joynt, E. E. Merrick, L. Webb, W. C. Gage, John Gore, R. B. White, M. C. O'Hálorán, G. M. Collins, John R. O'Connell, James Brady, A. H. Burne, T. M. Greer, W. H. Fry, R. W. MacNeice, J. G. Lidwell, C. G. Gamble, H. R. Maunsell, W. J. Ryan, R. J. Dodd, jun., J. H. O'Donnell, T. F. Burke, Cecil G. Thompson, T. W. Franks, H. J. W. Downey, Daniel Purcell, Claude F. Gifford, C. G. P. Wilson, Stephen Hastings, L. J. O'Neill, Raymond Stephenson, S. M. Bell, William J. Venables, J. H. Montgomery, W. G. Armstrong, H. C. Neilson, jun., A. G. Joyce.

The Secretary, having read the notice convening the meeting, the minutes of the Half-

Yearly General Meeting of 26th November, 1906, were read and signed.

The President nominated Messrs. P. J. Brady, E. N. Edwards, W. H. Geoghegan, J. G. Perry, and P. K. White as scrutineers of the ballot for election of Council to be held on 21st November next.

On the motion of Mr. Henry, v. p., seconded by Mr. Synnott, v. p., Messrs. W. W. Carruthers, J. J. Cartan, and F. Gifford were appointed auditors of the accounts of the Society for the year ended 30th April last.

The President said there were one or two matters to which he would like to allude. First, he was sure the entire profession was to be congratulated on the appointment of Mr. MacLaughlin, a member of their body, to the vacant post of Chief Clerk to the Lord Chancellor. For some time past the Council felt that many posts might be thrown open to solicitors; and when it was almost apparent this post would become vacant, they sent a resolution to the Lord Chancellor asking him to bear in mind the claims which the solicitors' profession had to a post like that of Chief Clerk, where a solicitor's experience and knowledge would be of assistance not only to the Lord Chancellor, but to the public generally; and he was sure they were now very glad to hear that the Lord Chancellor wrote in reply that he had borne that resolution in mind in making the appointment. He would also like to refer to the posts of Examiners to the Land Commission. They had felt for some time that some of these posts might be given to solicitors, and they wrote to the Land Commission on the subject. He was glad that they had received from the Commissioners replies which led them to believe that the claims of the solicitors would be considered in the future if there were suitable candidates. They did not question the

appointments that had been already made; but they felt that the claims of solicitors should be recognized.

The President next alluded to THE GAZETTE they had just issued, following on the practice adopted for some years by the English Incorporated Law Society, in the hope of letting the members know from month to month what the Society was doing on their behalf, also to bring to the notice of members decisions which affected them, whether in relation to fees or other matters.

With these few preliminary observations he came to a notice of motion that had been sent in by Mr. Rooney, that one-third of the members of the Council should retire annually in rotation. He did not know whether Mr. Rooney was aware when he sent in that notice that not only did one-third of the members retire each year, but every member of the Council retired, and was open to offer himself for re-election, so that in that respect he was afraid Mr. Rooney's motion was out of order. At the same time, as they had a great number of members present, there was no reason why the matter should not be discussed; and Mr. Rooney could explain exactly what he wished to convey, and at any future time bring forward his motion in proper form. If Mr. Rooney wanted to debar ten of the thirty-one members of the Council each year, from seeking re-election, these might include those longest in office and the most experienced members, and that would be fatal to the best interests of the Society, as well as to those of the profession.

Mr. P. J. Rooney asked would he be in order if he amended the motion by adding that the one-third outgoing members should not be eligible for re-election.

The President did not think a material alteration like that could be made without notice to all the members. However, they would all be anxious to hear the matter discussed now, as they would not have another opportunity for six months.

Mr. Rooney, proceeding, said his feelings were not in any way hostile towards the present Council or any member of it. The question had come before the last half-yearly meeting, not in the form of a resolution, but a suggestion thrown out by the then President, Mr. Lynch. His (Mr. Rooney's) proposal was nothing in the nature of a revolution; nor should it excite unnatural alarm amongst the members present. He did not propose to take away any power at present possessed, and he did not propose to give any power the Council

had not now got. The reform he suggested was necessary in the interests of the Society and of the general body of members. The Council at present lacked force, and this was particularly well shown at the last meeting, when Mr. Lynch called attention to a contest he had had with a very eminent public body, the result of which was most unsatisfactory to the solicitors' profession in Ireland. In the second place, the Council consisted almost exclusively of Dublin solicitors, which was a great drawback, and they were solicitors of a particular class—those with either thirty years' practice or who had inherited a business of over thirty years' standing. What could any young solicitor expect from a Council formed like that? Such a Council would not cater for the young and struggling solicitor. The days for "close borough" methods had passed, and the Society must live with the times. If a third or a fifth of the old members retired each year, it would give a fair leaven of new members each year.

Mr. James Brady said they were all indebted to Mr. Rooney for bringing this matter before them. He was largely in agreement with him, but he felt there were great difficulties in the way. The Council, as at present constituted, contained members of considerable repute in their profession who had not attained the thirty years' standing to which Mr. Rooney referred. Why was not the Council of the representative character Mr. Rooney desired? The fault was entirely due to the members of the profession, who had the remedy in their own hands. They indulged in a growl every year against the Council, but would not pay the £1 that would enable them to vote as they desired. The real evil lay in the fact that so few of the large body of solicitors in Ireland thought it worth while to join the Society. The general body of members of the profession conceived, whether rightly or wrongly, that the Council was not of that go-ahead character which the times compelled people to be. With the utmost respect, he said, they gave way too much to the views of the Benchers and gentlemen of that calibre, as well as the judges. He believed the profession would be benefited, and the public interest better looked after, if there was only one branch of the legal profession. In conclusion, he thought Mr. Rooney should rather apply himself to getting more members to join the Society.

Mr. D. A. Quaid, in dealing with the appointment of Examiners of Title to the Land Commission, said he held that solicitors, by the practical experience of routine investi-

gation of title, were far and away more qualified than barristers were for these posts. He also wanted to know why solicitors were persistently excluded from the position of Resident Magistrates. Representations were made the other day to the Chancellor of the Exchequer on behalf of the profession with regard to doing away with the annual licence of £9 or £6, and he practically gave a point-blank refusal. Here were they, a profession that paid over £10,000 a year, and income tax, and paid very considerably to the Revenue, and yet they did not get the slightest concession. With all respect to the Council, he thought these matters were not pressed with sufficient vigour upon the Government.

Mr. Henry, Vice-President, said if Mr. Rooney examined their Charter, on which the by-laws were based, he would find probably an insuperable difficulty to restricting the selection of candidates for membership on the Council. As to the point that they had an inordinate number of Dublin solicitors on the Council, he wished to point out that they had four provincial delegates and ten extraordinary members—members of the Northern and Southern Law Associations. That was a strong representation from the country. He thought it would be a disastrous thing if the senior members of the Council were compulsorily retired.

Mr. William Geoghegan said if a large proportion of the experienced members of the Council were compelled to retire, the result would be exceedingly injurious.

Mr. Fry said he wished members knew of the enormous amount of hard work the Council got through, and the hours spent by the members looking after the interests of the society and the profession. They were living in a democratic age, and why should it be suggested that their rights should be restricted in the way proposed? He did not know why any solicitor in Ireland should not have the power of nominating whom he liked for a position on the Council. The Council invariably gave deep consideration to every matter brought before them. It had been suggested they had not been energetic enough in insisting on their rights, but they must remember they had very few members of their profession in Parliament. The late Sir William Findlater, while in Parliament, was one of their mouthpieces; but they could not make Members of Parliament. They had done their best to try to bring pressure to bear on the Government as regarded the Resident Magistracy being thrown open

to their profession, and they had done the best they could as regards the Land Commission.

Mr. Gore did not look with favour on the suggestion that retiring members of the Council should not be eligible for re-election. He would go even so far as to advocate a plan that only one-third of the Council should retire each year, instead of the whole body, and that they should be eligible for re-election.

Mr. A. Lane-Joynt advocated more frequent meetings of the Society. He thought there should be one rate of subscription to the Society for all members.

Mr. J. P. Lynch said he was glad of the discussion which had taken place, and stated that the original suggestion had not come from the Council, as he had been responsible himself alone for it. He hoped there would be an increase in the number of members.

Mr. Gerald Byrne said that he had thought over the suggestion made originally by Mr. Lynch, and to-day by Mr. Rooney, and he considered that the proper way of electing the Council was the present one—that every November all should retire and be eligible for re-election, and the electors could choose whom they please from those nominated.

The President replied, and pointed out that almost every year there were new members elected upon the Council. During the past five years eleven new members had been elected upon it, and there were now on the Council only eight of those who were on it when he was first elected a member of it. He also pointed out that, in addition to the country delegates, there were five ordinary members of Council closely connected with the business of the County Courts.

Mr. Henry, Vice-President, having been moved to the second chair.

On the motion of Mr. Lynch, seconded by Sir George Roche, a vote of thanks was passed to the President for presiding.

Meetings of the Council.

The Council met on Wednesday, 1st May. The President (Mr. W. S. Hayes) in the chair, and twenty-three other members were present.

A letter was read from the Lord Chancellor in reply to the resolution which had been sent to him in regard to the appointment of Chief Clerk, intimating that, in making an appointment to the office he had borne in mind the

resolution of the Council, urging the claims of the solicitors' profession to the office.

The following resolutions were adopted:—

Resolved—“The Council of the Incorporated Law Society of Ireland desire to convey to the Right Hon. the Lord Chancellor their best thanks for the favourable consideration which His Lordship has given to the resolution of the Council urging the claims of the solicitors' profession in the event of a vacancy occurring in the office of the Chief Clerk to the Lord Chancellor. The Council learn with the deepest satisfaction that the Lord Chancellor has selected their colleague, Mr. E. D. MacLaughlin, ex-President of the Society, to fill the vacant office, being a selection which, in the opinion of the Council, will command the entire approval both of the public and of the profession.”

Resolved—“The Council of the Incorporated Law Society of Ireland desire to convey to their colleague, Mr. E. D. MacLaughlin, ex-President of the Society, their hearty congratulations upon his appointment to the office of Chief Clerk to the Lord Chancellor. The Council desire to record their cordial appreciation of the services rendered to the Society and to the profession by Mr. MacLaughlin for many years as a valued member of the Council, and to express their sense of the loss which the Society sustains in his retirement.”

The half-yearly accounts, examined by Finance Committee, were passed, and cheques in discharge of same ordered to be drawn and paid.

Two memorials from Law Clerks seeking modified preliminary examinations under sect. 18 of the Solicitors (Ireland) Act, 1898, were considered, and reports in their favour were made to the Lord Chancellor and Judges named in the section.

Two applications from solicitors for certificates under sect. 47 of the Solicitors (Ireland) Act, 1898, were granted.

A report from the Court of Examiners, dealing with the allocation of marks for Final Examination subjects, consequent upon the introduction of Book-keeping as a subject, was referred back to the Court of Examiners for further consideration.

THE Council met on Wednesday, 15th May.

The President (Mr. W. S. Hayes) in the chair, and twenty-two other members were present.

A letter from a firm of solicitors in the country, asking the opinion of the Council upon a matter of professional etiquette, in regard to alleged canvassing for business, was considered, and further particulars directed to be obtained.

An application from an apprentice bound for five years, for liberty to present himself for final examination under section 16 of the Solicitors (Ireland) Act, 1898, after three years' service, was referred to the Court of Examiners for consideration and report.

A letter was read from the Bar Council enclosing report of that body upon the Civil Bill Courts (Dublin) Bill, 1907; and the report was referred to the County Courts Committee.

New Member of Council.
MR. William V. Seddall, being first upon the supplemental list, has succeeded to the vacancy on the Council caused by the retirement of Mr. E. D. MacLaughlin.

Council Meetings.
MEETINGS of the Council will be held upon the following dates:

June 5th and 10th.
July 3rd, 17th, and 31st.
October, 2nd, 16th, and 30th.

Statutory Committee.
THE Lord Chancellor has appointed Mr. F. C. E. Bland to be a member of the Statutory Committee in room of Mr. E. D. MacLaughlin, resigned.

Committee Meetings.
THE following Committee meetings were held during May:—

Land Act, 1st and 15th.
Gazette Publishing, 8th.
Parliamentary, 15th.
Labourers Act, 16th.
County Courts, 31st.

Labourers (Ireland) Act, 1906.

IN February last a meeting of District Council Solicitors was held in Dublin, at which a Committee was appointed to confer with a Committee of the Council of the Society relative to the general effect of the Labourers (Ireland) Act, 1906, and rules thereunder, upon the solicitors' profession.

A joint meeting of the Committees was held in the Council Chamber of the Society upon the 14th February, the President (Mr. W. S. Hayes) in the chair.

The following members of the Council were present:—Mr. Henry, v. p.; Mr. Synnott, v. p.; Sir George Roché, Mr. Denning, Mr. Fottrell, and Mr. Lynch.

The following District Council solicitors were present:—Mr. W. M. Byrne (Tullow), Mr. Early (Dublin), Mr. T. M. Greer (Ballymoney), Mr. Hayden (Ballinasloe), Mr. Leech (Coleraine), Mr. O'Neill (Dublin), Mr. Tyndall (Dublin), Mr. Venables (Cookstown), and Mr. Wilson (Strabane).

After consideration of opinions obtained by the Society relative to the Labourers (Ireland) Act Rules from Mr. Campbell, k.c., Mr. Ronan, k.c., and Mr. Matheson, k.c., it was resolved that the Society be requested to submit to Counsel a case as to the responsibility of solicitors in the investigation of titles, and as to other legal work transacted in carrying out a scheme under the Act on behalf of a District Council.

The two Committees met again jointly upon the 16th May, the President (Mr. W. S. Hayes) in the chair.

The following members of the Council were present:—Mr. Henry, v. p.; Mr. Synnott, v. p.; Mr. Denning, Mr. Fottrell, Mr. Lynch, and Mr. O'Connor.

The following District Council solicitors were present:—Mr. Early (Dublin), Mr. Greer (Ballymoney), Mr. Murphy (Clones), Mr. O'Neill (Dublin), and Mr. Venables (Cookstown).

A case submitted to Mr. Matheson, k.c., by the Society in compliance with the request of the previous meeting, with his opinion thereon, was considered.

It was resolved that a memorandum be prepared showing the full nature of the work necessary to be done by a District Council solicitor in order to discharge his obligation to his clients under the Act and Rules be prepared, and that such memorandum, together with copy of queries submitted to Mr. Matheson,

k.c., and his replies thereto, be sent to the Local Government Board by the Society, with a request that the Board will receive a joint deputation from the Council and District Council Solicitors' Committee, upon the subject of the remuneration prescribed for solicitors under the rules.

New Members.

THE following have joined the Society during May:

- Allen, Atwell H., Queenstown
- Bermingham, Frédéric E., Dublin
- Byrne, Gerald A. G., Dublin
- Carlyle, John A., Dublin
- Moorhead, John R., Belfast
- Mullan, Frederick H., Newry
- O'Brien, James, Nenagh
- White, Thomas O'K., Edenderry

The Northern Law Society

AN Extraordinary Meeting of the Society was held in the Committee Rooms on the 29th April, 1907, Mr. D. F. Spiller (President) in the chair.

The Secretary read the Requisition calling the meeting, which was as follows:—

"We the undersigned members hereby request you to call for an early date an Extraordinary Meeting of the Northern Law Society to consider the advisability of concerted action with a view to the abolition of the licence duty on Irish solicitors, and to propose a resolution thereupon."

The President read the Memorial which had been presented to the Chancellor of the Exchequer by the Incorporated Law Society, and informed the meeting that the Chancellor of the Exchequer had stated that he could not see his way to accede to the prayer of the Memorial.

Mr. McGonigal proposed the following resolutions:—

"That the Northern Law Society regrets that the Chancellor of the Exchequer did not give a favourable answer to the Memorial presented to him by the Incorporated Law Society of Ireland praying for the abolition of the licence duty payable by solicitors."

"That the Northern Law Society protests most emphatically against the continuance of this unjust and offensively distinctive tax, which it considers an insult to the profession."

"That all the members of Parliament representing Irish constituencies be hereby asked to support a movement to have this licence duty abolished, and in every possible way to further our interests in this matter."

"That copies of these resolutions, together with a copy of the Memorial which was presented to the Chancellor of the Exchequer, be sent to the Prime Minister, the Leader of the Opposition, the Chancellor of the Exchequer, Mr. Austen Chamberlain (the Ex-Chancellor of the Exchequer), the Chief Secretary for Ireland, the Attorney-General for Ireland, Mr. Lloyd-George, and all Members of Parliament sitting for Irish constituencies."

Mr. Quail seconded these resolutions, and Messrs. M'Henry and Burke spoke in support of them. The Chairman put them to the meeting, and they were passed unanimously.

Mr. Burke proposed and Mr. M'Kee seconded the following resolution:—

"That it be referred to the Committee of the Northern Law Society to communicate with the Incorporated Law Society and the kindred Irish Law Societies with a view to the Incorporated Law Society preparing and presenting to the House of Commons a Memorial, to be signed by all Irish solicitors, protesting against payment of the licence duty, and requesting its abolition."

This resolution was passed unanimously. The Secretary was directed to write Mr. C. C. Craig, M.P., and Mr. H. C. O'Doherty, M.P., to ascertain from the Chancellor of the Exchequer why he refused to comply with the prayer of the Memorial presented to him by the Incorporated Law Society.

A Committee meeting of the Northern Law Society was held in the Central Hall, Rosemary Street, on the 10th May, 1907.

Mr. G. B. Wilkins (Vice-President) in the chair.

The draft agreement relating to the Society's new rooms as amended was approved of. It was decided that the cost of supplying keys for the new rooms should be borne by the Society, each member on paying his subscription and arrears (if any) to be given a key.

The President, Mr. D. F. Spiller, the Hon. Treasurer, Mr. J. D. Coates, and the Hon. Secretary, Mr. C. G. Jefferson, were nominated trustees on behalf of the Society in the matter of the new rooms.

The Secretary read the following resolution, which had been passed at the extraordinary meeting of the Society in connexion with the certificate duty payable by solicitors:—

"That it be referred to the Committee of the Northern Law Society to communicate with the Incorporated Law Society and the kindred Irish Law Societies with a view to the Incorporated Law Society preparing and presenting to the House of Commons a Memorial, to be signed by all Irish solicitors protesting against payment of the licence duty, and requesting its abolition."

It was decided to write to the Secretary of the Incorporated Law Society and request him to bring the matter of the preparation of the Petition before his Council. The Secretary was also directed to write to the other Law Societies of Ireland and request them to urge the Incorporated Law Society to prepare the Petition.

Legal Appointments.

(Members who receive legal appointments, are requested to communicate particulars for insertion.)

CROWN SOLICITOR, QUEEN'S COUNTY.

The Lord Lieutenant has been pleased to appoint Mr. Paul A. Brown to be Crown Solicitor for Queen's County, in succession to Mr. Edward D. MacLaughlin, appointed Chief Clerk to the Lord Chancellor. Mr. Brown served his apprenticeship with Mr. Stephen J. Brown, was admitted in Trinity Sittings, 1882, and practises in Carlow and at 41 Lower Sackville Street, Dublin.

COUNTY COURT REGISTRAR.

Mr. Daniel J. Treacy, solicitor, has been appointed Registrar to his Honour Judge Kehoe, Judge of the County Court of Clare. Mr. Treacy, who served his apprenticeship with the late Mr. Daniel J. Treacy and with the late Mr. John Lalor, was admitted in Trinity Term, 1871, and practises at Mount-rath, Queen's County.

New Commissioners to administer Oaths.

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

N. V. Lenehan, Solicitor, Dublin.

J. W. Pinkerton, Solicitor, Ballymoney.

Samuel Kerr, Solicitor, Dublin.

James Moran, Solicitor, Dublin.

John H. Walsh, Solicitor, Dublin.

Solicitors Seeking Call to the Bar.

THE Statutory Committee having reported upon the applications of Mr. Henry Campbell, solicitor, and Mr. John F. Moriarty, solicitor, to have their own names struck off the Roll in order to enter as law students of the King's Inns, with a view to seeking call to the Bar, the Lord Chancellor has made orders in compliance with the recommendations contained in the reports of the Committee, directing the names of both solicitors to be struck off the Roll at their own request.

Mr. Campbell was admitted in Hilary Sittings, 1902, and practised in partnership with his brother, Mr. F. W. G. Campbell, at 9 Westland Row, Dublin.

Mr. Moriarty was admitted in Hilary Sittings, 1895, and practised at Clonakilty, County Cork.

Obituary.

MR. John David Rosenthal, Solicitor, died on the 16th May at his residence, 12 South Frederick Street, Dublin. Mr. Rosenthal served his apprenticeship with the late Mr. Charles L. Perrott, Solicitor; was admitted in Michaelmas Term, 1854, and practised in Dublin. He was a graduate and Doctor of Laws of Trinity College, Dublin. He had been from 1890 to 1896 a member of the Council of the Society, and he was for many years a Director of the Solicitors' Benevolent Association.

Summer Assizes, 1907.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Tuesday, July 2nd, at 11.

Co. Limerick.—At Limerick, Friday, July 5th, at 11.

Co. of City of Limerick.—At Limerick, same day and hour.

Co. Kerry.—At Tralee, Wednesday, July 10th, at 11.

Co. Cork.—At Cork, Monday, July 15th, at 11.30.

Co. of City of Cork.—At Cork, Wednesday, July 17th, at 11.

Judges.—Right Hon. Mr. Justice Johnson and Right Hon. Mr. Justice Gibson.

Registrars.—Vesey C. Nash, Esq., 42 Grand Parade, Cork, and Hon. E. Gibson, Clonlea, Sandymount, Co. Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, Monday, July 1st, at 11.30.

Co. Longford.—At Longford, Tuesday, July 2nd, at 11.

Co. Cavan.—At Cavan, Wednesday, July 3rd, at 11.

Co. Fermanagh.—At Enniskillen, Saturday, July 6th, at 11.

Co. Tyrone.—At Omagh, Tuesday, July 9th, at 11.

Co. Donegal.—At Lifford, Tuesday, July 16th, at 11.

Co. Londonderry.—At Londonderry, Thursday, July 18th, at 11.30.

Co. of City of Londonderry.—At Londonderry, Friday, July 19th, at 11.

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

Registrars.—Frank Kennedy, Esq., Lissadell, Blackrock, Co. Dublin, and H. M. FitzGibbon, Esq., The Bungalow, Greystones, Co. Wicklow.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, Monday, July 1st, at 11.30.

Co. Louth.—At Dundalk, Tuesday, July 2nd, at 11.

Co. Monaghan.—At Monaghan, Friday, July 5th, at 11.

Co. Armagh.—At Armagh, Monday, July 8th, at 11.

Co. Down.—At Downpatrick, Friday, July 12th, at 12.

Co. Antrim.—At Belfast, Tuesday, July 16th, at 12.

County of the City of Belfast.—At Belfast, Friday, July 19th, at 10.30.

Judges.—The Right Hon. Mr. Justice Kenny and the Hon. Mr. Justice Dodd.

Registrars.—Mr. E. H. Kenny, Marlfield, Cabinteely, and Mr. W. H. Dodd, 26 Fitzwilliam Square.

NOTE.—County Antrim Civil Bill Appeals will be taken up in the City Court immediately after the opening of the County Commission.

LEINSTER CIRCUIT:

Co. Tipperary, North Riding.—At Nenagh, Tuesday, July 2nd, at 11.

Queen's County.—At Maryborough, Friday, July 5th, at 11.30.

Co. Tipperary, South Riding.—At Clonmel, Monday, July 8th, at 11.

Co. Waterford.—At Waterford, Saturday, July 13th, at 11.

City of Waterford.—At Waterford, Saturday, July 13th, at 11.

Co. Kilkenny.—At Kilkenny, Wednesday, July 17th, at 11.

Co. Carlow.—At Carlow, Friday, July 19th, at 12.30.

Co. Kildare.—At Naas, Saturday, July 20th, at 11.

Co. Wexford.—At Wexford, Wednesday, July 24th, at 11.

Co. Wicklow.—At Wicklow, Thursday, July 25th, at 11.30.

Judges.—Right Hon. the Lord Chief Justice of Ireland (Lord O'Brien) and Right Hon. Mr. Justice Andrews.

Registrars.—T. W. Butler-Kearney, Esq., 1 Upper Hatch Street, Dublin; and James T. Andrews, Esq., 1 Waterloo Road, Dublin.

CONNAUGHT CIRCUIT.

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

Co. of Leitrim.—At Carrick-on-Shannon, Thursday, July 4th, at 11.

Co. of Sligo.—At Sligo, Monday, July 8th, at 12.

Co. of Roscommon.—At Roscommon, Friday, July 12th, at 11.30.

Co. of Mayo.—At Castlebar, Tuesday, July 16th, at 1.30.

Co. of Galway.—At Galway, Monday, July 22nd, at 12.

Judges.—The Right Hon. Mr. Justice Madden and the Hon. Mr. Justice Wright.

Registrars.—Wm. H. Atkinson, Esq., Nutley, Booterstown, and G. W. B. Wright, Esq., 1 Fitzwilliam Square, Dublin.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL.

(Before Walker, C.; FitzGibbon and Holmes, L.JJ.).

O'Doherty and Another v. Mulholland & Co.

April 22nd; 23rd, 1907.—*Costs—Taxation*—*Costs of reference—Attorneys and Solicitors (Ir.) Act, 1849 (12 & 13 Vict., c. 53), s. 2.*

UPON the taxation of a bill of costs the Taxing Master should not certify separately for the amount of taxed costs and the amount awarded by him as costs of taxation, but, having taxed the costs, should add to or deduct therefrom, as the case may be, the amount awarded for costs of taxation, and make one certificate for the final amount.

Where more than one-sixth part of a bill was taxed off, and the Taxing Master awarded to the defendant £3 3s. for costs of taxation to be paid by the plaintiffs, and deducted said sum of £3 3s. from the amount of the costs as taxed; and certified for the balance, the King's Bench Division held that he should certify separately for the costs as taxed, and for the £3 3s. costs of taxation, but should not deduct the latter amount before making his certificate:

Held, on appeal that, on the true construction of s. 2 of 12 & 13 Vict., c. 53, the Taxing Master was right, and that the £3 3s. should first be deducted, and then one certificate made for the final amount.

Reported in I.L.T.R., Vol. XLI., page 89.

COURT OF APPEAL (ENGLAND)
(Before Alverstone, C.J.; Fletcher Moulton, I.
and Buckley, L.JJ.)

Clare v. Joseph.
May 2nd, 1907. *Solicitor—Costs—Oral agree-
ment—Validity against Solicitor—Solicitors
Act, 1870 (33 & 34 Vict. c. 128), s. 4.*

A SOLICITOR made an oral agreement with his client, who was the plaintiff in an action; that if the action was successful the client should pay no costs, leaving the solicitor to recover his costs from the other party to the action, and if the action was unsuccessful the client should only pay to the solicitor such costs as the latter would have been entitled to receive from the other party if the action had been successful. The client was successful in the action. The solicitor, who had received the taxed party and party costs from the other party to the action, claimed to recover from the client the difference between solicitor and client costs and the party and party costs received. The client set up the above agreement:

Held, that, as the client set up the agreement, it was not required to be in writing under section 4 of the Solicitors Act, 1870, and was therefore binding upon the solicitor.

Reported in T.L.R., Vol. xxiii, page 498.

KING'S BENCH DIVISION.

9th May, 1907.

(Before O'Brien, C.J.; Gibson and Kenny, JJ.)—

The King (Kennedy) v. Cyril Browne.

Taxed Costs—Revision by Local Government Board Auditor.

THE Rural District Council of Ennis employed their solicitor to prepare agreements bonds and warrants in relation to the erection of labourers' cottages, and of fences in connexion therewith, such agreements constituting the contracts between the Council and their building contractors. There were twenty

eight cottages to be built; and fences to be erected round ninety plots of land, the total costs of the scheme being approximately £8950, and the total amount of the contract prices for buildings and fences was £4274. The solicitor prepared a common form of agreement bond and warrant applicable to every case, with blanks for the names of the contractor, and his sureties and the contract price and site of the proposed works, and got them printed. There were 113 accepted tenders, many of them sent in by the same contractor, and a separate contract was signed for each accepted tender. The solicitor's costs of the scheme were taxed, an independent solicitor attending on the taxation on behalf of the District Council. There was included in the costs and allowed on taxation a bulk fee of £2 2s. for the preparation and execution of the agreement bond and warrant in the case of each of 113 accepted tenders.

The Local Government Board Auditor reduced the taxed bills by the sum of £67 16s., and in his certificate of surcharge stated he was of opinion that the employment of a solicitor for the purpose of performing what he regarded as the purely clerical duty of filling up the blanks in the printed forms of agreement was unnecessary and the payment thereof unfounded, and he therefore disallowed 12s. on each of the 113 items of £2 2s., measuring the sum of 12s. by reference to a previous audit in a different district. The Auditor further stated that in former schemes in that district similar contracts had been filled up by the clerk or his assistant.

The powers of Auditors contained in sect. 12 of Irish Local Government Act, 1871; and sect. 20 of the Irish Local Government Act, 1902, were fully discussed. The Labourers Act, 1906, had not been passed, and therefore did not apply.

Held unanimously (Kenny, J., expressing doubt, but assenting), that there being no illegality in the contract between the Council and the solicitor, and no suggestion of fraud, collusion, misconduct, or neglect, and the costs having been taxed by the appropriate officer, the Taxing Master, and an independent solicitor having attended the taxation on behalf of the Council; the employment and payment of a solicitor in this case was not "misconduct or negligence," on the part of the members of the Council authorizing such employment, and the auditor's surcharge disallowing the payment to the solicitor was overruled.

RECORDER'S COURT.

(Before the Recorder of Dublin.)

May 11th, 1907.

*Sheriff's Fees.—Dunne and Clancy v. Blood, Findlater, & Co.**Seizure of goods the property of the Execution Creditor.*

THIS was an action for £3.9s. 6d., being fees claimed by the Sheriff of Dublin against the defendants as solicitors for an execution creditor in execution of a writ of *fi. fa.* and a writ of delivery in a case of the *National Cash Register Company, Limited, v. Nolan*. The defendants had lodged a writ of *fi. fa.* with the sheriff for execution, and the sheriff informed them that the debtor's wife claimed the goods on the premises, but that the bailiff had seized a cash register, which he was advertising for sale. Defendants cautioned the sheriff against selling the cash register, which was the property of the execution creditor, same being in debtor's possession under a hire-purchase agreement; and called upon the sheriff to make his return, as they were applying for a writ of delivery. The return to the *fi. fa.* was one of "nulla bona;" "wife claims," and the writ of delivery was lodged with the sheriff, who delivered the cash register under same. The sheriff claimed £2 6s. poundage fees and expenses on execution of the writ of *fi. fa.*, in addition to £1 3s. 6d. fees for execution of the writ of delivery. The latter fees were admitted as payable, and same were tendered and lodged in Court:

Held, that the sheriff had not seized any goods of the judgment debtor, the cash register having been the execution creditor's own property, and the sheriff accordingly was not entitled to fees in respect of such seizure, but was entitled only to the fees payable under the writ of delivery.

Annual Certificate Duty.

THE following appears in the Parliamentary papers of the 15th May, 1907:—

Q. Mr. O'Doherty, —To ask Mr. Chancellor of the Exchequer, if he can say whether he has received a copy of a resolution from the

Northern Law Society in Ireland protesting against the continuance of the licence duty payable by solicitors in Ireland; if so, whether it is his intention to abolish this tax; and, if not, why. [14th May, 1907.]

Q. Mr. O'Doherty, —To ask Mr. Chancellor of the Exchequer, if he can say whether he has received a memorial from the Council of the Incorporated Law Society of Ireland, praying that the annual duties payable by solicitors in Ireland, under the provisions of the Stamp Act of 1891, be abolished from and after the 5th day of January, 1908; and whether he proposes to take steps to do so. [14th May, 1907.]

Q. Mr. Vincent Kennedy, —To ask Mr. Chancellor of the Exchequer, if his attention has been called to a resolution from the Northern Law Society of Ireland praying for the abolition of the licence duty payable by solicitors; and, if so, will he consider the advisability of removing this tax, which is not paid by any other profession. [14th May, 1907.]

A. Mr. Asquith. — I have received the memorial and the resolution referred to, and I have given careful consideration to the arguments advanced in favour of the abolition of this licence duty.

Nothing has, however, been urged against the duty which is not in my opinion equally applicable to many other licence duties of a more or less similar character, nor is there any sufficient reason for treating Ireland differently as regards this matter from other portions of the United Kingdom.

I do not, therefore, see my way to taking any steps unless and until an opportunity arises of revising local taxation licences as a whole. [15th May, 1907.]

Workmen's Compensation Act, 1906.

ATTENTION is directed to the following paragraphs of sections 16 and 13 of this Act, which extends the liability of employers to (*inter alia*) those engaged in clerical work:—

Section 16. (1) This Act shall come into operation on the first day of July, nineteen hundred and seven, but, except so far as it relates to references to medical referees, and

proceedings consequential thereon, shall not apply in any case where the accident happened before the commencement of this Act.

Section 13. In this Act, unless the context otherwise requires, "Employer" includes any body of persons corporate, or unincorporate, and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person.

"Workman" does not include any person employed otherwise than by way of manual labour whose remuneration exceeds two hundred and fifty pounds a year, or a person whose employment is of a casual nature, and who is employed otherwise than for the purposes of the employer's trade or business, or a member of a police force, or an out-worker, or a member of the employer's family dwelling in his house, but, save as aforesaid, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is express or implied, is oral or in writing.

Land Judge's Court.

The following new rule has been made pursuant to the 7th section of the Supreme Court of Judicature (Ireland) Act, 1877, by the Lord Chancellor and the Land Judge:—

"The Accountant-General shall, after the expiration of six months from the lodgment, without any order or request, place on Deposit Receipt all sums of cash not less than fifty pounds lodged in Court in the Land Judge's Division, unless the Judge shall otherwise direct, or a request that same shall not be dealt with, signed by the party or the solicitor having carriage of the matter in which same shall have been lodged, shall be left with the Accountant-General.

"Dated this 14th day of May, 1907.

(Signed)

"S. WALKER, C.
"JOHN ROSS."

Bankruptcy Sales.

REGULATIONS AS TO COSTS, ETC.

The following Rules have been approved by Mr. Justice Boyd:—

1. When the Solicitor for the Mortgagees has carriage of the sale of mortgaged property, he shall pay all the necessary and proper fees and costs payable to the Solicitor for the Assignees in relation to the Purchase Deed and the execution thereof, and shall include them in his own Bill of Costs relating to such sale. He shall also cause a copy of the Purchase Deed to be placed on the file of proceedings in the matter, and charge the costs of making and filing such copy in his said Bill of Costs.

2. When the Solicitor for the Assignees has carriage of the sale of mortgaged property, he shall include all similar items (whether payable to himself or to another Solicitor appointed to represent the estate) in his Bill of Costs relating to the sale and payable out of the proceeds of such sale. He shall also file a copy of the Purchase Deed, and charge the costs thereof in his said Bill of Costs.

These directions shall apply (in the absence of any order or consent made a Rule of Court to the contrary) whether the proceeds of the sale shall be sufficient to pay the mortgage debt (or debts) or otherwise, and the Solicitor for the Assignees shall not include in his General Bill of Costs any items that should be paid out of the proceeds of the sale of the mortgaged property under the above directions.

3. Item Number 98 in the Schedule of Costs and Fees shall apply to sittings or meetings required to be held by the Statutes or General Rules, or before the Chief Registrar under a special order of the Court, but shall not apply to other appointments which appear in the Lists of the Chief Registrar or other officers, which shall be dealt with under Item 72.

NOTE.—Items Nos. 98 and 72 are as follows:—

Attendances.

- No. 98.—On sitting or meeting when business is transacted thereat, except sitting for Audit, or for Audit and Dividend, £0 13 4
- No. 72.—Before Chief Registrar or other Officer on Motion of Course and for Order, £0 6 8

Land Commission Appeals.

THE following sittings of the Court of the Land Commission for hearing appeals have been provisionally arranged:—

Longford, June 4th.
 Carrick-on-Shannon, June 6th.
 Belfast, June 11th.
 Castleblayney, June 18th.
 Dublin, June 20th.
 Castlebar, June 25th.
 Castlereagh, June 27th.
 Dublin, June 26th.
 Galway, July 2nd.
 Dublin, July 11th.
 Dublin, July 19th.

New Solicitor.

Name.	Served apprenticeship to.
Quigg, Samuel,	John Quigg, Letterkenny.

Solicitors' Benevolent Association.

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

June 5th.
 July 3rd.
 October 30th.

Examinations and Lectures.

THE following are the dates of Solicitors' Apprentices' Examinations to be held during the remaining portion of 1907:—

July 1st.—Intermediate.
 October 7th.—Intermediate.
 October 8th and 9th.—Preliminary.
 October 10th and 11th.—Final.

Lectures will be delivered by Professor Quirke, B.A., LL.D., R.U.I., in the Lecture Theatre of the Society, at 4 p.m., to the Senior Class, on Real Property, Equity, and Conveyancing, on June 4th, 7th, 11th, 14th, 18th, 21st, 25th, and 28th.

Lectures will be delivered by Professor Boyd, B.A., T.C.D., Barrister-at-Law, in the Lecture Theatre of the Society, at 4 p.m., to the Junior Class, on Common Law, on June 3rd, 6th, 10th, 13th, 17th, 20th, 24th, and 27th.

Solicitors' Apprentices' Debating Society.

MEETINGS of this Debating Society will be held in the Antient Concert Rooms, Great Brunswick Street, Dublin, at 8 o'clock p.m., on the following Mondays:—

June 3rd.—Debate: "Is the present attempt to revive the Irish language deserving of support?"

June 10th.—Debate: "Is the Victorian literature superior to that of the Elizabethan age?"

June 17th.—Legal Debate: "That the case of *M. Bride, Appellant; M. Govern, Respondent*, (1906) 2 I.R. page 181, was rightly decided.

June 24th.—Essay Night.

Apprentices who wish to join the Society should communicate with the Hon. Secretary, F. E. Bermingham, 44, Kildare Street, Dublin.

COMMUNICATIONS relative to THE GAZETTE, other than those referring to advertisements, should be addressed to the Secretary of the Incorporated Law Society, Solicitors' Buildings, Four Courts, Dublin.

COMMUNICATIONS relative to advertisements should be addressed to Messrs. Ponsonby, 116, Grafton Street, Dublin.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. 1, No. 3.]

July, 1907.

[FOR CIRCULATION
AMONGST MEMBERS.]

Meetings of the Council.

THE Council met on Wednesday, the 5th of June; the President (Mr. W. S. Hayes) in the chair, and twenty-three other members were present.

A suggestion from a member as to obtaining an additional book on Registration of Title for the Library was referred to the Library Committee.

A report from the Court of Examiners giving results of May Preliminary and Final Examinations was submitted and adopted.

A further report from the Court of Examiners drawing the attention of the Council to the answers sent in by Candidate No. 14, at the Final Examination; to papers in Chancery and Lunacy Practice, Land Judge and Land Commission Practice, and Bankruptcy Practice, was considered; and the Council resolved that, on account of the impropriety of the answers, the Candidate should not be again permitted to present himself for Final Examination before May, 1908.

A further report from the Court of Examiners, making the following recommendations, was considered and adopted:—(1) That the Council should alter Regulation No. 29 of the Regulations under the Solicitors (Ireland) Act, 1898, so as to provide that at, and after, the Final Examination to be held in January, 1908, Candidates should be permitted to take either Bankruptcy or Criminal Law as an optional subject; the subject of Book-keeping being made compulsory at the Final Examination in and after January, 1908. (2) That there should be no alteration in the allocation of marks for the subjects at the Final Examination, as there would be no addition to the number of such subjects consequent upon the alteration in Rule No. 29. (3) That the appli-

cation of an apprentice to be deemed to have been a clerk within the terms of section 16 of the Solicitors (Ireland) Act, 1898, at the time of his entering into his indentures, should be granted.

A letter from the Honorary Secretary, Dublin Chamber of Commerce, was read, enclosing the terms of reference to the Bankruptcy Law Amendment Committee appointed by the President of the Board of Trade to consider the laws at present in force in the United Kingdom in relation to Bankruptcy proceedings. The matter was referred to a Special Committee of the Council for consideration.

A letter in reply from a firm of solicitors was read, giving full particulars of an alleged breach of professional etiquette on the part of a solicitor in canvassing for business. The Council resolved that, in their opinion, the explanation of the solicitor in question was satisfactory, and that the firm of solicitors be so informed.

A resolution from the Northern Law Society was read, requesting the Council to prepare and present to the House of Commons a Memorial, to be signed by all Irish solicitors, protesting against the payment of Solicitors' Certificate Duty, and requesting its abolition; and a Memorial from twenty-six solicitors, practising in the County Monaghan, was also read, asking the Council to call a Special Meeting of the solicitors of Ireland to consult together and decide upon the best methods to adopt in order to achieve success in the matter of the abolition of Certificate Duty; both were referred to the Parliamentary Committee to deal with.

An application by an apprentice, bound for five years, to be deemed to have been a clerk within the terms of section 16 of the Solicitors (Ireland) Act, 1898, at the time of entering into

his indentures, was referred to the Court of Examiners for report.

A report from the County Courts Committee upon the Bar Council Report upon the Civil Bill Courts (Dublin) Bill, 1907, was considered and adopted; and the Secretary was directed to send to the Honorary Secretary of the Dublin Chamber of Commerce a copy of the resolution passed by the Council which had already been sent to the Government, in favour of passing the Bill into law during the present Session.

The County Courts Committee also submitted to the Council the opinion of Mr. Falconer, K.C., obtained in reference to the right of audience before Coroners in Ireland.

A report in the Dublin daily papers of observations made by the Lord Chief Justice when presiding at Nisi Prius, in which his Lordship was reported to have stated that the solicitors in the three cases listed that day for hearing before his Lordship should remain in Court while the jury was being sworn in the first case, in order that the solicitors in the second and third cases listed for hearing should state, when the jury in the first case was sworn, if they would be satisfied with that jury to try their cases, so that the attendance of the remaining jurors might be dispensed with, was considered. It was decided to communicate with his Lordship upon the matter.

The Council met on Wednesday, the 19th June. The President (Mr. W. S. Hayes) in the chair, and twenty-two other members were present.

Mr. Charles H. Denroche, B.A., LL.B., R.U.I., Solicitor, was appointed Special Examiner to conduct the Theory portion of the Final Examinations during 1908. Mr. Frank V. Gordon, B.A., ex-Scholar, T.C.D., Solicitor, was appointed to conduct the Preliminary Examinations for 1908.

The Secretary reported that in the case of *Wakely v. O'Sullivan*, heard in Tralee upon the 3rd inst., before the County Court Judge of Kerry, a decree for a penalty of £10 was obtained against the defendant for having prepared for remuneration a deed, contrary to the provisions of 27th Vict. cap. 8.

A letter was read from the Lord Chief Justice, in which his Lordship stated that he did make the observations referred to in the letter addressed to him by the Secretary, relative to solicitors in jury cases, listed for hearing being called upon to state whether they would accept the jury sworn in the first

case to try the cases relative to which they were in attendance; and he pointed out in his letter that it is a very great hardship on the body of jurors to be kept in attendance unnecessarily; that inability to accept a jury may be easily conveyed without any risk of offence, and that he would be quite satisfied if a solicitor or his clerk would privately inform the Registrar of the Court whether he was in a position to accept the jury or not; and his Lordship further stated that he would be satisfied if these requirements were conformed to as regards the second case in the list for the day.

A letter from a member in reference to the use of the hall of the Society by members for conferring with clients was referred to the House Committee for consideration.

A letter from a member of the Society, suggesting the insertion in the existing Land Commission schedule of fees, of an item for work done under the Land Act of 1881, not provided for in the original schedule, owing to the fact that it is new work since the schedule was framed, was considered, and was noted for future attention should occasion arise for suggesting its insertion.

The opinion of Counsel upon the effect of the Prevention of Corruption Act upon agreements between solicitors to act upon agency terms was submitted.

A memorial of a law clerk, addressed to the Lord Chancellor and Judges named in section 18 of the Solicitors (Ireland) Act, 1898, seeking a modified Preliminary Examination, was considered, and it was decided to report in favour of the application being granted.

A report from a special committee of the Council, upon the terms of reference to the Bankruptcy Law Amendment Committee appointed by the President of the Board of Trade last year, was considered. It was decided to request the Committee to hear the evidence of the President of this Society in reference to the Irish Bankruptcy Laws, and proceedings thereunder.

A report from the Court of Examiners adverse to an application by an apprentice to be deemed to have been such a clerk as is contemplated by section 46 of the Solicitors (Ireland) Act, 1898, when he entered into his indentures, was confirmed.

Application by a solicitor for liberty to take out his certificate under section 47 of the Solicitors (Ireland) Act, 1898, was granted.

A report from the Parliamentary Committee, recommending that a reply be sent to the

memorial presented by County Monaghan solicitors, stating that it would be inadvisable at present to summon a special meeting of the solicitors of Ireland in support of the abolition of Certificate Duty, was adopted.

A further report from the Parliamentary Committee, recommending a reply to be sent to the Northern Law Society, stating that at this stage of the session, having regard to what has already taken place this session in Parliament in reference to the abolition of Certificate Duty, it would be futile to present a petition to the House of Commons on the subject, was adopted.

It was decided by the Council to communicate with the English Law Society and the Incorporated Society of Law Agents of Scotland, and to ask those two societies to join this Society in the movement originated by this Society for the abolition of solicitors' Certificate Duty.

A letter was read from the Secretary of the Local Government Board, in reply, stating that the Board could not see their way to make any alterations at present in their rules under the Labourers Acts, and in these circumstances the Board considered no useful purpose would be served by their receiving the proposed deputation on the subject from the Incorporated Law Society.

This matter was referred to the Joint Committee, consisting of members of the Council of the Society and of the District Council Solicitors' Committee, to take such action as such Joint Committee would deem desirable in reference thereto.

Council Meetings.

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

July 3rd, 17th, and 31st.

October, 2nd, 16th, and 30th.

Committee Meetings.

THE following Committee meetings were held during June:—

- Court of Examiners, 3rd.
- Gazette, 10th.
- Bankruptcy, 14th.
- Court of Examiners, 17th.
- Library, 17th.
- Parliamentary, 18th.
- Costs, 26th.

New Members.

THE following have joined the Society during June:—

- Corrigan, Michael, Dublin.
- Law, Claude J., Dublin.
- Gore-Hickman, F. W., Ennis.

Results of Society's Examinations.

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

1. John Boyd, Belfast.
2. Louis A. Meldon, Dublin.
3. Robert Hanna, Ballymena.
4. Victor John Venables, Cookstown.
5. William W. M. Knight, Trim.
6. Archibald D. Robinson, Dublin.
7. John Leo Burke, Dublin.

William A. Cromie, Newry, passed the Special Preliminary Examination, for which he had liberty to present himself. Ten candidates attended examination. Eight passed; two were postponed.

Preliminary Examinations Prizes, 1906-7.

The Court of Examiners have awarded a Gold Medal to Michael J. I. Page, and Silver Medals to Patrick J. Neilan and Edward Counihan.

At the Final Examination, held on the 13th and 14th days of May, the following passed the examination, and their names are arranged in order of merit:—

1. Edward Felton.
2. William Frederick McCoy.
3. William J. Uprichard.
4. Thomas E. Conaghan, B.A., K.U.I.
5. John T. Hamerton.
6. William R. Hodnett.
7. James C. B. Proctor.
8. (James M. O'Brien.) } Equal.
- (George M. Porter.) }
9. Thomas Noonan.
11. Patrick A. Dempsey.

- John W. Diamond.
 12. { Alfred E. M'Connell, B.A., } Equal.
 Cantab.
 14. Jeremiah O'Leary.
 15. John S. Weir, B.A., T.C.D.
 16. Andrew M. Harper.
 17. John R. Palmer.
 18. James C. M'Cleery, junior.
 19. John B. Brown, B.A., T.C.D.
 20. Robert C. Bannister.
 21. Robert H. K. Clay.
 22. John Hannigan, junior.

The Court of Examiners have awarded a Gold Medal to Edward Felton, a Silver Medal to William Frederick M'Coy, and Special Certificates to William J. Uprichard, Thomas E. Conaghan, B.A., R.U.I., John T. Hamerton, and William R. Hodnett.

Thirty-three candidates attended examination: twenty-two passed, eleven were postponed.

Final Examination Subjects.

THE Council have decided that at the January, 1908, Final Examination, and at all subsequent Final Examinations, Book-keeping shall be a compulsory subject, and that Candidates may select as between Bankruptcy and Criminal Law and Proceedings before Justices, which one of these two subjects they will take; so that at and after the January, 1908, Final Examination the following will be the subjects:—

- (a) Common Law; Equity; the Law of Real and Personal Property and Conveyancing.
- (b) The Practice of the Court of Appeal and of the several divisions of the High Court of Justice, not including Bankruptcy.
- (c) The Practice in Lunacy.
- (d) The Practice of the Purchase and Fair Rent Department of the Irish Land Commission.
- (e) Practice of the County Court.
- (f) Book-keeping.
- (g) Criminal Law, and Proceedings before Justices, or Bankruptcy.

Book-keeping. — A Lawyer's Manual of Book-keeping, by H. Huges-Onslow, Solicitor, published by Messrs. Butterworth and Co., London, is a work which is recommended by the Council to apprentices.

Legal Appointments.

(Members who receive legal appointments are requested to communicate particulars for insertion.)

SOLICITOR TO THE ROYAL COLLEGE OF SURGEONS.

MR. Thomas Maitland Gerrard has been appointed Solicitor to the Royal College of Surgeons of Ireland, in succession to Mr. Edward D. MacLaughlin, appointed Chief Clerk to the Lord Chancellor. Mr. Gerrard served his apprenticeship to Mr. Charles Daly, was admitted in Michaelmas Sittings, 1895, and practises in partnership with Mr. Daly, under the title of Gerrard and Company, at 25, Westmoreland Street, Dublin, and at Drogheda.

New Commissioners to administer Oaths.

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

William Boyd, Clerk of Petty Sessions, Longford.

Edmond John Mitchell, Clerk of Petty Sessions, Hospital, Co. Limerick.

Patrick T. J. O'Grady, Tuam.

New Member of Parliament.

MR. James C. R. Lardner, Solicitor, has been elected as Member of Parliament for the Northern Division of County Monaghan. Mr. Lardner, who served his apprenticeship to Mr. D. C. Rush, and with Mr. Henry Murphy, was admitted in Hilary Sittings, 1901, and practises in Monaghan.

Obituary.

Mr. John Philip Kavanagh, Solicitor, died on the 4th June, 1907, at his residence, 5 Cowper Road, Dublin. Mr. Kavanagh served his apprenticeship to the late Mr. John E. Roach, of Dublin, was admitted in Hilary Term, 1854, and practised in the City of Dublin. For some years he had retired from practice.

Mr. John Henry Russell, Solicitor, died on the 18th June, 1907, at his residence, Prospect Villa, Warrenpoint. Mr. Russell served his apprenticeship to the late Mr. Thomas Carey, of Newry, was admitted in Trinity Sittings, 1894, and practised in Newry, in partnership with the late Mr. T. B. Sheridan; and after the death of Mr. Sheridan he continued to practise under the title of Messrs. Sheridan and Russell.

Recent Decisions affecting Solicitors.

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

KING'S BENCH DIVISION.

(Before Madden, Boyd, and Dodd, JJ.)

Hinson v. Buchanan.

April 25, 1907.—*Practice—Costs—Review of taxation—Costs of trial—Recovery of money paid—Special jury.*

THIS was an appeal from the Taxing Master. The plaintiff brought an action for the return of the price of a motor tricycle, sold to him by the defendant, on the ground that certain statements of the defendant forming part of the contract were untrue, and also on the ground of fraud. The case was first tried before a common jury, and resulted in a disagreement. It was again tried before a special jury demanded by the plaintiff, and the jury found in favour of the defendant. On a new trial motion the Divisional Court held that, apart from any fraudulent intention on the part of the defendant, the plaintiff was entitled, by reason of the untrue statements of the defendant, to reject the motor tricycle, and the Court ordered "that the verdict and judgment be entered for the plaintiff for the

sum of £35 with costs, but that the plaintiff should abide his own costs of the abortive trial before the Hon. Mr. Justice Wright; and of the trial before the Right Hon. Mr. Justice Madden, and of this argument, the Court being of opinion that the issues of fraud were irrelevant to the cause of action in contract; and that the costs of the trial were altogether largely attributable to such issues."

Held, that the plaintiff was, by the above order, only deprived of the costs of the actual trials, and was entitled to all costs properly and necessarily incurred by him in preparing for and getting ready for the trials;

Held also, that the defendant was entitled to be refunded by the plaintiff £12 12s., paid by the defendant to the special jury on the second trial, but that the proper time for applying for such refund was at the hearing of the new trial motion, and that, therefore, he should not be allowed the costs of a motion subsequently instituted on payment of the amount.

Reported in I.L.T.R., Vol. XLI., page 92.

NOTE.—On Appeal by defendant, the Court of Appeal, consisting of Walker, C., Fitzgibbon and Holmes, L.JJ., without calling on counsel for respondent, dismissed the Appeal and affirmed the order of the K.B.D.

(Before Palles, L.C.B., and Madden, J.)

Mellon v. Tickell.

May 10, 1907.—*Practice—Costs—Taxation of Costs—Two counsel appearing for party before Commission to take evidence—Counsel appearing on taxation of a bill of costs.*

THERE is no general rule that the Taxing Master should only allow the fee of a single counsel on behalf of a party before a Commission appointed to take the evidence of a witness. The matter is entirely in the discretion of the Taxing Master.

The fee of a counsel appearing on the taxation of a bill of costs can only be allowed in a case where the Taxing Master certifies that some question of principle was involved.

Palles, L.C.B., in delivering the judgment of the Court said, "As regards the first item here it is impossible to say that as a general rule only

One counsel is entitled to appear on behalf of each party before a Commission appointed to take the evidence of a witness. It is entirely a matter in the discretion of the Taxing Master, and we will not interfere with his exercise of that discretion. As regards the fee of £2 2s paid to counsel for attendance on the taxation of the bill of costs, the Taxing Master had no authority to allow such fee unless some question of principle was involved on the taxation. The Taxing Master has not stated in his report that any question of principle was involved, and we can see none. We therefore hold that such item must be disallowed."

Reported in I.L.T.R., Vol. xli., p. 121.

KING'S BENCH DIVISION (ENGLAND).

(Before Darling and A. T. Lawrence, JJ.)

In re a Solicitor; ex parte Hales.

May 9, 1907.—*Undertaking to pay money—Receipt of money from client—Undertaking to third person—Enforcement—Summary Order.*

THE applicant, who was a solicitor, was owed certain costs by a client, and the client retained the respondent, who was also a solicitor, to apply for an order for the taxation of the bill of costs. An order for taxation was made, and the client, who was an undischarged bankrupt, placed in the respondent's hands £150 to meet the amount of the bill. The respondent wrote to the applicant stating that the client had placed in his hands the full amount of the bill, "so that on completion of the taxation we shall be in a position to pay the amount certified by the Master due to you." The applicant, relying on the letter, did not press on the taxation; and when, upon the taxation being completed, he applied to the respondent for payment of the amount due, the latter declined to pay upon the ground that the client, who had died, was indebted to him for costs. The applicant applied for an order on the respondent to pay the sum due.

Held, that the letter written by the respondent to the plaintiff amounted to a personal guarantee to pay the sum when found due out of the money placed in his hands, and consti-

tuted a declaration of trust, on the faith of which the applicant altered his position, and the Court would, by a summary order, enforce payment of the amount by an officer of the Court.

Reported in T.L.R., Vol. xxiii., p. 573.

New Rules.

LOCAL REGISTRATION OF TITLE (IRELAND) Act, 1891.

THE following new rule under above Act was published in the *Dublin Gazette* of 14th June, 1907:—

"It is this day ordered by the Right Honourable Dodgson Hamilton Madden, one of the Judges of the King's Bench Division of the High Court of Justice in Ireland, and nominated as an additional Land Judge for the purposes of the Local Registration of Title (Ireland) Act, 1891, with the approval of the Right Honourable Sir Samuel Walker, Bart., Lord Chancellor of Ireland, that Rule 63 of the Consolidated Rules of the 24th day of August, 1896, be amended as follows, viz.:— By omitting the following portions of the said rule; namely, from the beginning down to and including the words 'as he may direct.'

"Approved,

"D. H. MADDEN,
"S. WALKER, C."

Rule 63 of the rules of the 24th August, 1896, is as follows:—

"No more than four persons shall at any time be registered as owners of the same land or charge as joint tenants thereof. If the number of persons entitled exceed four, such of them, not exceeding four, as they may in writing agree upon shall be registered; or, in case they cannot agree, as the central registering authority may, upon application, decide after such notices have been given (if any), and proceedings taken, as he may direct. Where two or more persons are registered as joint owners of the same lands, or of a charge thereon, one certificate only of their title to the land or charge shall be issued by the registering authority."

The effect of amending rule 63 in compliance with the above new rule is that it now reads as follows:—

“Where two or more persons are registered as joint owners of the same lands, or of a charge thereon, one certificate only of their title to the land or charge shall be issued by the registering authority.”

Additions to Library.

THE following books have been added to the Library of the Society during June, 1907:—

Clery (A.), H. Kennedy, and M. Dawson: Town Tenants (Ireland) Act, 1906, and the Rules and Forms thereunder. 1907.

Encyclopædia of the Laws of England. 2nd ed. Vol. iv. 1907.

Hudson (A. A.): Law of Building, Engineering, and Ship-building Contracts. 3rd ed. 2 vols. 1907.

O'Sullivan (M.): A Key to the Labourers (Ireland) Acts, 1883 to 1906. 4th ed. 1907.

Revised Reports, The: Vol. xc. 1851-1853. 1907.

Robb (J. H.): Law and Practice of Bankruptcy and Arrangements in Ireland. 1907.

Sebastian (L. B.): Law of Trade Marks Registration under the Trade Marks Act, 1905. 1906.

Walker (R. A.): Law relating to Land Purchase in Ireland. First Supplement. 1907.

Solicitors' Benevolent Association.

THE Directors met on the 5th June, Mr. Fry in the chair, and fifteen other Directors being present. The Secretary reported having received in annual subscriptions £32 11s. since last meeting, making a total of £443 12s. for the current year.

Half-yearly annuities amounting to £90 were paid, and grants of £72 were made to the following:—£15 to the widow of a

solicitor, £10 each to two widows of solicitors, £10 and £5 to the daughters of solicitors, and £12 to the son of a solicitor. A Donation of £10 10s. was received from Mr. J. T. Wood-Latimer.

The scrutineers' report as to the result of the voting for the election of a "James Weir" annuitant of £30 was submitted, and candidate No. 2 on the voting paper—an old solicitor who was a member of the Association for over thirty years—having received the highest number of votes, was declared elected.

Owing to the death of the successful candidate for the Weir annuity on the 5th June, a special meeting was convened for the 12th inst., at which Mr. Fry presided, fifteen other Directors being present; it was decided to hold another election in the month of July to fill the vacancy.

Two grants were made at this meeting: one of £25 to the daughter of a solicitor, and £12 10s. to the wife of a solicitor.

The following solicitors joined the Association during the month of June:—

Terence O'Reilly, Dublin.

Michael O'Reilly, Dublin.

Cecil L. Smith, Dublin.

Henry Murphy, Diamond, Clones.

Solicitors desiring to become members of the Association can obtain all information from the Secretary, F. C. Earle Bland, 10 St. Stephen's Green, Dublin, to whom subscriptions should be sent. Ten Guineas constitutes life membership, and One Guinea is the subscription for annual member.

Land Commission Appeals.

THE following sittings of the Court of the Land Commission for hearing appeals have been provisionally arranged:—

Galway, July 2nd.

Dublin, July 11th.

Dublin, July 19th.

New Solicitors.

Name.	Served apprenticeship to
Brown, John Bary,	Stephen J. Brown, Naas.
Clay, Robert Henry Keating,	R. Keating Clay and Geo. Collins, Dublin.
Felton, Edward,	Isaac Molloy, Dublin.
Palmer, John Richard,	Benjamin Barrington, Limerick.
Porter, George Magill,	Robert J. Porter, Belfast.
Uprichard, William John,	Joseph Lyness, Belfast.
Weir, John Shepherd,	William Wilson, Strabane.
Wiley, Samuel,	Francis J. Bigger, Belfast.

Solicitors' Benevolent Association.

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

July 3rd.

October 30th.

Examinations and Lectures.

THE following are the dates of Solicitors' Apprentices' Examinations to be held during the remaining portion of 1907.—

October 7th.—Intermediate.

October 8th and 9th.—Preliminary.

October 10th and 11th.—Final.

Solicitors' Apprentices' Debating Society.

OFFICERS FOR THE SESSION 1907-1908.

THE election of Officers and Committee for the Session 1907-1908 took place on 24th June, and resulted as follows:—

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

Vice-Presidents—Sir George Roche; William Fry, Esq., J.P.; George Collins, Esq.

Auditor—Henry Shannon.

Hon. Secretary—Hugh O'Brien Moran, 75 Lower Leeson Street, Dublin.

Hon. Treasurer—Charles J. Reddy.

Hon. Registrar—Edna B. Healy.

Hon. Librarian—Samuel W. Evans, Esq., B.L.

Committee—J. M. Cullinane; J. Barry Brown; M. Quin; J. F. D'Arcy; J. C. Geoghégan; S. McConrigg; The Ex-Auditor.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 116 Grafton Street, Dublin.

Solicitors' Benevolent Association.

THE Directors met on the 24th June, Mr. Fry in the chair, and after other Directors being present, the Secretary reported having received in annual subscriptions £221 12s 6d since last meeting, making a total of £443 12s 6d for the current year.

Half-yearly annuities amounting to £500 were paid, and grants of £200 were made to the following:—

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2607 (2 lines).

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THE GAZETTE

Incorporated & Co. of Ireland
SOLICITORS, BUILDING FOUR COURTS, DUBLIN.

Published weekly, except on Sundays and Public Holidays, at the Office of the Editor, No. 11, St. Michael's Street, Dublin.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland

Vol. 1, No. 4.] August, 1907.

FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

THE Council met on Wednesday, the 3rd of July; the President (Mr. W. S. Hayes) in the chair, and twenty-four other members were present.

The following letter, from the Assistant Registrar, Principal Registry, King's Bench Division (Probate), was read:—

“27th June, 1907.”

“DEAR SIR,

“As it may be of importance to the solicitors' profession, I write to inform you that under a warrant of the Master of the Rolls, dated the 10th May, 1907, the books of English and Scotch Calendars of Grants issued in those countries, which books are dated from 1859 to 1886, both inclusive, have been transferred to the Deputy Keeper of Public Records in Ireland.

“Yours very truly,

“JACOB T. GROGHEGAN,
Assistant Registrar.”

“The Secretary,

“Incorporated Law Society of
Ireland.”

“P.S.—The English and Scotch Calendars, from 1887 down to the present, are with us; but as they from year to year overstep the twenty years' limit, they will be transferred to the Public Record Office.”

An application by a solicitor for renewal of his annual certificate under section 47 was submitted and granted.

A report from the Parliamentary Committee submitting a memorandum for publication in THE GAZETTE, in reference to Prevention of Corruption Act, 1906, was considered, and the memorandum, as settled by the Council, was directed to be published in THE GAZETTE.

A report from the Costs Committee upon queries arising between two solicitors, and submitted for decision of the Council, was considered and adopted.

The Evicted Tenants (Ireland) Bill, brought in by the Chief Secretary for Ireland, was referred to the Land Act Committee for report.

The Council met on Wednesday, the 17th of July; Mr. James Henry, Vice-President (in the chair), and twenty-three other members were present.

It was decided to write to the Comptroller, Inland Revenue, asking him to make arrangements so that guaranteed cheques of solicitors should be accepted at the Stamp Office, in the Four Courts, in the same manner as they are accepted at the Custom House, in payment of Crown duties.

A letter was read from an apprentice, who had been postponed for his Final Examination until May, 1908; owing to the impropriety of certain answers sent in by him at the last May Final Examination, expressing his regret, and apologizing for his action, and urging the Council to reconsider their decision. Having regard to the apology expressed, the Council resolved to permit the apprentice to present himself for Final Examination next October.

An application by a solicitor, admitted in 1902, for liberty to take out his first certificate, he having been an assistant for the past five years, was considered and granted.

A report from the Court of Examiners, giving the results of July Intermediate Examination, was submitted and adopted.

A report from the Labourers (Ireland) Act Committee, submitting a memorandum for publication in THE GAZETTE, was submitted; and having been amended, was adopted.

A report from the Land Act Committee upon the Evicted Tenants (Ireland) Bill was submitted, and amendments having been made therein, the report as amended was adopted; and it was resolved to forward to the Chief Secretary, the Attorney-General, the Vice-President of the Agricultural Department, and to Irish solicitors who are Members of Parliament, amendments suggested by the report for insertion in the Bill.

The Council met on Wednesday, the 31st of July, the President (Mr. W. S. Hayes) in the chair, and twenty-five other members were present.

A letter in reply from the English Law Society was read, which stated that the Council of that Society regretted that they could not see their way to join in the appeal to the Chancellor of the Exchequer in support of the abolition of solicitors' Certificate Duty.

A letter in reply from the Incorporated Society of Law Agents in Scotland was read, stating that it is highly probable that the question of the abolition of Certificate Duty will be brought up at the annual meeting of that Society to be held in September, and that the resolution arrived at on the subject would be communicated to this Society.

The following letter from the Comptroller, Inland Revenue, Custom House, Dublin, was read:—

24th July, 1907.

"Sir,
"With reference to your letter of the 17th inst. I beg to inform you that I have no objection to the guaranteed cheques of solicitors being received in payment of duties at the Stamp Office, Four Courts.

"It must, however, be expressly understood, that if a solicitor has also his cheques guaranteed for transactions, at the Stamp Office, in the Custom House, that the guarantee of the Four Courts must be independent of, and in addition to, that in existence at the Custom House.

"I am, sir,

"Your obedient servant,

G. W. MAUNDER

Comptroller.

"The Secretary,
"Incorporated Law Society,"

"Solicitors' Buildings,
"Four Courts, Dublin."

A letter was read from a firm of solicitors in reference to costs under the Labourers (Ireland) Acts, in which costs a fee for approving of the statutory receipt, signed by the owner, was claimed as against the District Council, and was objected to by the solicitor for the District Council. Having regard to the fact that the amount of compensation was less than £60, the Council expressed the opinion that under section 11, sub-section 4, of the Labourers (Ireland) Act, 1906, the claim for the approval fee as against the District Council could not be sustained.

An application by an apprentice bound for five years, to be deemed an apprentice under section 16 of the Solicitors (Ireland) Act, 1898, was referred to the Court of Examiners for consideration.

An application by a solicitor to take out his certificate under section 47 of the Solicitors (Ireland) Act, 1898, was granted.

A report from the Court of Examiners upon two applications of intending apprentices under section 16 of the Solicitors (Ireland) Act, 1898, recommending that the one should be granted, and the other refused, was confirmed.

The Council adjourned until the 2nd day of October.

Council Meetings.

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

- October 2nd, 16th, and 30th.
- November 13th and 27th.

Committee Meetings.

THE following Committee meetings were held during July:—

- Labourers Act, 2nd
- Gazette, 8th.
- Land Act, 12th.
- Court of Examiners, 15th.
- House and Library, 27th.
- Court of Examiners, 27th.

New Member.

THE following joined the Society during July:—

Ryan, John C., Dublin.

Results of Society's Examinations.

At the Intermediate Examination for Apprentices to Solicitors, held upon the first day of July, the following passed the examination:

- Baldwin, Walter P.
- Barklie, John.
- Barron, Louis.
- Barry, William J.
- Brennan, George E.
- Bridge, Henry P., junior.
- Campbell, Patrick.
- Carey, Robert A. P.
- Conyers, Albert M.
- Crawford, Samuel H.
- Creagh, Augustin J. C.
- Dillon, John P.
- Farrell, John J.
- Fitzpatrick, Fintan.
- Galbraith, Hugh.
- Gillespie, Thomas V.
- Girvin, William H.
- Hanratty, Simon E.
- Hazleton, John D.
- Howley, Hubert P.
- Kelly, Edward J.
- Mathews, Sydney.
- M'Carroll, Hugh.
- O'Connor, William F.
- Pollóck, Hugh R.
- Quin, Michael M.
- Quirk, Michael J. O'N.
- Robinson, Henry T. B.
- Roche, Samuel.
- Sheil, Henry.
- Stapleton, Cecil G.
- Stephens, Francis E.
- Tapley, John, junior.
- Tiernan, Thomas J.
- Williamson, Richard.
- Wright, William Martin.
- Yates, Joseph.

Forty-seven candidates attended the examination. Thirty-seven passed. Ten were postponed.

New Commissioners to administer Oaths.

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

- Arthur Henry Jones, L.P.S.I., Doneraile.
- James Leeney, Clerk of Petty Sessions, Charleville.

Obituary.

MR. Patrick Gallagher, Solicitor, died in Dublin on the 1st day of July, 1907. Mr. Gallagher, who served his apprenticeship to Mr. James Riordan of Omagh, was admitted a Solicitor in Trinity Sittings, 1873, and practised at Strabane.

Mr. Charles P. Armstrong, Solicitor, died on the 3rd day of July, 1907. Mr. Armstrong, who served his apprenticeship to Mr. W. Read, Dublin, and to Mr. Joseph Alexander, Enniskillen, was admitted a Solicitor in Trinity Sittings, 1887, and practised at 197 Great Brunswick-street, Dublin, in partnership with Mr. John O. Lindsay.

Mr. Thomas Francis Clegg, Solicitor, died in Dublin on the 7th day of July, 1907. Mr. Clegg, who served his apprenticeship to Mr. W. G. Towers, Dublin, was admitted a Solicitor in Trinity Sittings, 1893, and for some time after his admission was an assistant to the Chief Crown Solicitor, and subsequently practised in Dublin.

Mr. Valentine Blake Dillon, Solicitor, died at his residence, Wine Street, Sligo, on the 13th day of July, 1907. Mr. Dillon was admitted a Solicitor in Michaelmas, 1845, and practised in Sligo, of which county he was for many years, and till his death, Sessional Crown Solicitor.

Mr. Joseph John Murphy, Solicitor, of 19 Belvedere-place, Dublin, died at Athy, County Kildare, upon the 27th day of July, 1907. Mr. Murphy was admitted a Solicitor in Michaelmas, 1854, and was for many years in the Revenue Department, Custom House, Dublin, upon his retirement from which he practised in Dublin.

Solicitor Seeking Call to the Bar.

THE Statutory Committee, having reported upon the application of Mr. Edmund Lupton, Solicitor, to have his own name struck off the Roll in order to enter as a law student of the King's Inns, with a view to seeking call to the Bar, the Lord Chancellor has made an order, in compliance with the recommendation contained in the report of the Committee, directing the name of Mr. Lupton to be struck off the Roll, at his own request.

Mr. Lupton was admitted in Michaelmas Sittings, 1898, and practised in Tuam, in Carrickmacross, and in Dublin.

Visit to Ireland of Their Majesties the King and Queen.

AN Address of Welcome from the Society, on the occasion of Their Majesties' visit last month to Ireland, was presented to Their Majesties at the Vice-Regal Lodge on the 10th July. The Address was presented by the President, who was accompanied by the Secretary. His Majesty handed to the President a copy of his general reply to the Addresses presented.

Prevention of Corruption Act, 1906.

THE Council, having obtained the advice of counsel as to the effect of this Act upon the division of profits between solicitors out of costs received by them, intimate to the members of the Society that counsel are of opinion that such division of profits between solicitors may, in certain cases, come within the Act, and, in order to avoid all questions, the Council are of opinion that clients should have notice of the receipt or payment, as the case may be, and solicitors should render their accounts or issue their receipts in such form as will show that such a division of profits has taken place.

Labourers (Ireland) Act, 1906.

The Joint Committee of members of the Council of the Society, and of members appointed at the meeting of District Council Solicitors held in February last, recommend solicitors who act for District Councils in the promotion of schemes under the Labourers (Ireland) Act, 1906, to seek to obtain their remuneration from the District Council by entering into agreements with the District Council to be paid at the rate of Six pounds per site, such sum to include the obtaining of evidence for inquiries, attendances at inquiries, attendances at Council meetings, attendances on hearing of appeals, investigation of titles, and preparation and completion of receipts, conveyances, and bonds.

Bankruptcy Law Amendment.

THE President of the Society (Mr. William S. Hayes) gave evidence in London, on the 17th July, before the Committee appointed by the President of the Board of Trade to inquire into and report on the effect of the provisions of the laws at present in force in the United

Kingdom in relation to bankruptcy, deeds of arrangement, and composition by insolvent debtors with their creditors, and the prevention and punishment of frauds by debtors on their creditors, and the points and matters in which those laws and the procedure and administration under them require amendment.

Miscellaneous Costs in Administration Suits.

THE Right Hon. the Master of the Rolls, on the hearing of a matter which came recently before him on further consideration of the Chief Clerk's certificate, stated that in future he would strictly enforce the rule of his Court, that the Solicitor for the executor or administrator should have in Court on the hearing on further consideration for presentation to the Judge, the detailed particulars of any miscellaneous costs claimed by the executor or administrator, and that, failing the production of such detailed bill, no miscellaneous costs would be allowed.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL.

(Before Walker, C.; FitzGibbon and Holmes, L.JJ.)

Allison and Another v. Jenkins and Others.

June 4th, 5th, 1907.—*Appeal from an order of Meredith, M.R.—Costs—Taxation—Discretion of Taxing Master—Right of appeal—Error in principle—Mistake in fact—Case for counsel to settle reply—No reply filed—Costs of registering lis pendens—Instructions for brief—Instructions for brief on further consideration—Fee for advice of proofs—Costs of third counsel—Schedule for Chief Clerk—Attendances to obtain copy of a will—Surveyor's fee—Copies of documents for counsel with instructions to settle pleadings—Wide line draft statement of claim for settlement by senior counsel—Or. LXV, r. 65 (2); Appendix S., Part I., items 73 and 113 (note).*

WHERE a case has been sent to counsel to consider defences and, if necessary, settle a reply, the fact that no reply has been filed does not, *per se*, disentitle a plaintiff to the costs of such a case.

In such a case, where counsel, instead of settling a reply, advises an alternative course which proves more satisfactory, the costs of the case for counsel ought to be allowed.

The costs of registering *lis pendens* against twenty defendants after an order on further consideration allowed.

A fee for instructions for brief on further consideration cannot be allowed on taxation between party and party when there has been a primary hearing. (Appendix S., Part I., item 73).

Per HOLMES, L.J.—Where a Taxing Master has, in the exercise of his discretion, allowed certain sums for items in a bill of costs, a court of appellate jurisdiction ought not to interfere unless the Taxing Master has acted on an erroneous principle, or is mistaken as to the facts upon which the exercise of his discretion is based.

As to, (1) Instructions for brief; (2) costs of a third counsel; (3) fee for advice of proofs; (4) allowance for schedule for the Chief Clerk; (5) wide line draft statement of claim for settlement by senior counsel; (6) costs of a surveyor; (7) attendances both at Record Office and Probate Office to obtain a copy of a will, and (8) copies of documents sent to counsel with instructions to settle pleadings, the Court, being of opinion that the Taxing Master knew and appreciated the difficulty and magnitude of the case, refused to vary the sums allowed by him.

Reported in I.L.T.R., Vol. XLI., p. 128.

CHANCERY DIVISION (ENGLAND).

(Before Kekewich, J.)

In re Buckton; Buckton v. Buckton.
July 10, 1907—Practice—Costs—Trustee and cestui que trust—Rules for guidance of Court.

WHERE trustees apply by originating summons to the Court to construe an instrument for their guidance, and in order to ascertain the interests of the beneficiaries or to have determined some question arising in the administration of the trust, the costs are incurred for the benefit of the estate, and, the Court will, as a general rule, direct them to be taxed as between solicitor and client and paid out of the estate. Again, where the application is of the same character, but is made by some of the beneficiaries, and not by the trustees, because such a course is considered more convenient, the same rule as to costs applies. But where the application is made by a beneficiary in respect

of a claim which is adverse to other beneficiaries, and the applicant takes advantage of the procedure by originating summons to get determined a question which, but for that procedure, would properly form the subject of an action and fall within the term "litigation," the Court will order the unsuccessful party to pay the costs.

Reported in T.L.R., Vol. XXIII., p. 692.

Solicitors' Benevolent Association.

THE Directors met on the 3rd July, Mr. Fry, J.P., in the chair, and twelve other Directors being present. The Secretary reported having received in annual subscriptions, since last meeting the sum of £21, making a total of annual subscriptions received since the 1st January of £454 13s.

The following grants were made:—£10 to the son of a solicitor; £10 to the widow of a solicitor; £10 to the daughter of a solicitor; and £5 to the daughter of a solicitor. A sum of £7 10s., half year's "Brooke" annuity, was also paid to the "Brooke" annuitant.

The Directors held a special meeting on the 17th July, Mr. Fry, J.P., presiding, and seventeen other directors being present. The Secretary reported having received a life subscription of £10 10s. from Mr. George Carr Lett, and a donation of £5 5s. from Mr. W. Milward Jones. The Directors made the following grants:—£10 to the sister of a solicitor, and £10 to the daughter of a solicitor.

The scrutineers' report as to the result of the voting for the election of a "James Weir" annuitant of £30 was submitted, and candidate No. 3 on the voting paper—an old solicitor and member of the Association—having received the highest number of votes, was declared elected.

The following solicitors joined the Association during the month of July:—

George Carr Lett, Dublin.
P. V. C. Murtagh, Athlone.
Henry J. Walker, Athlone.

The meetings of the Directors for the remainder of the year are as follows:—
October 30th.
November 27th.
December 4th and 11th.

Solicitors desirous of becoming members of the Association can obtain all information

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I, No. 5.] November, 1907.

FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

THE Council met upon Wednesday, the 2nd day of October; the President (Mr. W. S. Hayes) in the chair, and sixteen other members present.

A letter was read from a solicitor resident in the country, asking for an expression of opinion from the Council relative to the action of another solicitor resident in the country having tendered for legal work in connexion with a Labourers' Scheme, in response to an advertisement issued by a District Council inviting tenders from solicitors to perform that work, and the amount of the tender of the solicitor being considerably under what he would be entitled to charge under the rules of the Local Government Board; pursuant to the Labourers (Ireland) Act, 1906.

It appearing that the solicitor who wrote to the Council, and who had been for some years the solicitor to the District Council in question, had himself also sent in a tender in response to the advertisement, the Council directed a reply to be sent to him stating that, as the Council disapproves of solicitors sending in any tender in response to such an advertisement, they would offer no other expression of opinion upon the matter to which he drew attention.

The use of the Hall of the Society was granted to the Solicitors' Apprentices' Debating Society to hold its inaugural meeting in for the coming Session.

An application of a solicitor to take out his first certificate was submitted and granted.

Notices of motion to the Lord Chancellor, upon behalf of two apprentices to a deceased solicitor, for orders directing the assignment of their indentures, owing to the fact that the executrix was unable to execute the assignment,

as the will of the deceased solicitor was being contested, were submitted; and it was resolved to consent to the application being granted.

The sending of a memorial to the Lords Commissioners of His Majesty's Treasury, urging upon behalf of the profession the appointment of a member of the solicitors' profession to the office of Solicitor to the Inland Revenue in Ireland, was approved of, as also was the transmission of copies of the memorial to various persons likely to have influence in the matter.

A report from the Court of Examiners recommending that an application by an apprentice to be deemed to have been such a clerk as is contemplated by section 16 of the Solicitors (Ireland) Act, 1898, when he entered into indentures in the year 1905, should be refused, was considered and adopted.

A Committee was appointed to prepare the annual report of the Council.

The new rules issued by the Estates Commissioners upon the 29th August, regulating procedure under sections 1 to 23, under the Land Law (Ireland) Act, 1903; were under lengthened consideration, and were referred to the Land Act Committee for further consideration at an early date.

The Council met upon Wednesday, the 16th October, 1907; the President (Mr. W. S. Hayes) in the chair, and nineteen other members present.

A letter from the Secretary of the Irish Land Commission, acknowledging the receipt of the representations of the Council under the Rules Publication Act, 1893, relative to the Estates Commissioners' rules published upon the 30th of August last, was read.

A letter from Mr. Fottrell, Clerk of the Crown and Peace of the County, and the City of Dublin, enclosing copy of correspondence in reference to an application for increase of his staff, was read, and referred to the County Courts Committee.

A letter was read from a country member, drawing attention to a letter which he had received from a firm of assessors upon behalf of an insurance company, nominating upon behalf of the company an arbitrator under the Workmen's Compensation Act, which nomination the member had refused to act upon, with the result that the insurance company settled the matter direct with him.

The same member also drew attention to a Clerk of Petty Sessions who had issued a circular to publicans drawing their attention to the fact that their licences were ready, and could be obtained from him upon payment of a fee of 2s. 6d. A reply was directed to be sent to the member informing him that the Council approved of his action in reference to the assessor, and that the Council were communicating with the Registrar of Petty Sessions Clerks as to the propriety of the circular issued by the Clerk of Petty Sessions, but that in neither case could proceedings be successfully instituted by the Society under the Solicitors Act against the parties referred to by him.

The President informed the Council that he had received from Mr. Justice Wylie draft rules under the Evicted Tenants (Ireland) Act, 1907, upon the previous Monday, that he had submitted same to the Land Act Committee, and that he had had an interview with Mr. Justice Wylie, and had made suggestions to him in reference to the draft rules.

A report from the Court of Examiners, containing the result of the October Intermediate Examination, and in reference to two petitions of Law Clerks, applying to be bound under section 16 of the Solicitors (Ireland) Act, 1898, recommending that the one petition should be granted, and the other should be refused, was read and adopted.

A memorial from an apprentice, seeking liberty to have his indentures assigned, was submitted and sanctioned.

An application by an apprentice, whose father had died during the previous month, for exemption from attendance at senior lectures during the coming Michaelmas Sittings, was, under the special circumstances, granted by the Council.

The Council then adjourned.

The Council met upon Wednesday, the 30th October; the President (Mr. W. S. Hayes) in the chair, and twenty-seven other members present.

The half-yearly accounts of the Society were submitted, and cheques for same were ordered to be drawn and paid.

Letter in reply was read from the Registrar of Petty Sessions Clerks in reference to Clerks of Petty Sessions claiming fees for filling up certain forms in connexion with the obtaining of publicans' licences. Further particulars were directed to be obtained in reference to the contents of these forms.

An affidavit of a solicitor in support of an application for renewal of his certificate was submitted, and the application was granted.

A report from the Court of Examiners, containing the results of October Preliminary and Final Examinations, and as to award of Findlater Scholarship for 1907, was submitted and adopted.

A query was submitted from two solicitors as to the scale under which the costs of a lease should be drawn under the following circumstances:—

"A lessee held under a lease for 21 years expiring in 1913, at the yearly rent of £110, a dwellinghouse, with out-offices, in the city of Cork, the poor law valuation of which was £47.6s. 8d. The premises having become in urgent need of repairs, and other improvements being deemed necessary, estimates were obtained; and it was found that the repairs and improvements would cost at least £230. After negotiations, the lessor accepted a surrender of the existing lease, and granted to the tenant a new lease, in consideration of the surrender and in consideration of a covenant by the tenant to expend within four months from the date of the lease the sum of £230, at least, "in structural repairs, alterations, and permanent improvements to the premises." The term of the new lease was for 21 years from the 29th September, 1906, at a rent of £95; and the lease contained a covenant by the lessor to pay to the lessee the sum of £200, upon production by the lessee of a certificate of the architect of lessor that the said sum of £230, at least, had been expended, as provided for by the lease.

The Council decided that the lease in question is a building lease, and, consequently, that the costs of it should be drawn under the scale applicable to building leases.

Draft annual report of the Council to be

submitted to the general meeting of the Society, to be held upon the 26th November, was considered and adopted.

The Council adjourned.

Council Meetings.

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

November 13th and 27th.

December 4th and 11th.

Committee Meetings.

THE following Committee meetings were held during October:—

Court of Examiners, 1st.

Land Act, 7th.

Land Act, 14th.

Court of Examiners, 15th.

Annual Report, 23rd.

Costs, 23rd.

Court of Examiners, 28th.

House, Library, and Finance, 28th.

Ballot for Election of Council.

THE ballot for the election of the Council for the year ending the 26th day of November, 1908, will take place in the Secretary's office between the hours of 11 o'clock a.m. and 1 o'clock p.m. on Thursday, the 21st day of November, 1907. Ballot-papers sent by post should be posted so as to reach the Secretary not later than 1 o'clock p.m. on Thursday, the 21st day of November, 1907.

General Meeting of the Society.

THE Half-yearly General Meeting of the members of the Society will be held in the Hall of the Society, in the Solicitors' Buildings, Four Courts, on Thursday, the 26th day of November, 1907, at the hour of 2 o'clock p.m. The report of the outgoing Council will be submitted for adoption.

New Members.

THE following have joined the Society during October:—

- Alleyne, Charles W., Carrick-on-Shannon.
- Carey, William P., Dublin.
- Corscadden, Robert A., Mohill.
- Fox, Bernard, Carrick-on-Shannon.
- Robinson, C. Rupert, Dublin.
- Slack, James W., Carrick-on-Shannon.

Results of Society's Examinations.

At the Intermediate Examination, held on the 7th day of October, the following passed the examination:—

- Walter Beatty.
- James S. Corry.
- James Doherty.
- William V. Kennedy.
- John D. M. McCallum.
- John E. M. Court.
- Bernard J. Moonan.
- Hugh O'B. Moran.
- George B. Nicolls.
- Thomas Shillington.

Eleven candidates attended the examination. Ten passed. One was postponed.

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

1. William O. Armstrong.
2. Richard F. T. Greer.
3. Charles A. Flattery.
4. John Quinn Hanrahan.
5. Samuel H. Watson.
6. Timothy O'Shea.

Robert M. Simpson passed the Special Preliminary Examination, for which he had liberty to present himself.

Thirteen candidates attended the examination. Seven passed. Six were postponed.

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

1. Henry Shannon.
2. Patrick R. Buggy.
3. John S. Troy.

4. George A. Overend.
5. William P. Dundon.
6. { Henry F. Brennan, B.A., T.C.D. } Equal.
 { Thomas J. Gowan. }
8. Sydney T. Glenny.
9. Robert M. Cullen.
10. Oliver A. Pringle, B.A., LL.B., T.C.D.
11. Herbert W. Franck.
12. John R. Holohan.
13. Charles M. Cormick.
14. Thomas Vance.
15. Richard Connolly.
16. John H. H. Giltrap.
17. Henry J. J. MacTernan.
18. William Joseph Skinner.
19. George Crozier.
20. Harold M. Guckin.
21. Henry Lemass.
22. Austin G. Macaulay.
23. William A. Lane, B.A., T.C.D.
24. Florence A. Greene.
25. James S. Card.

Thirty-nine candidates attended the examination. Twenty-five passed. Fourteen were postponed.

Findlater Scholarship.

THE Findlater Scholarship for 1907 has been awarded to Edward Felton, who served his apprenticeship with Mr. Isaac Molloy, of 18 Eustace-street, Dublin, and obtained First Place and a Gold Medal at the Final Examination, held in May, 1907.

Legal Appointments.

THE Lord Lieutenant has appointed Mr. Thomas Hitchcock Williams to be Crown Solicitor for the County of Sligo, to hold the combined offices of Crown Solicitor and Sessional Crown Solicitor for the County. Mr. Williams, who was admitted a Solicitor in Trinity Sittings, 1880, previously held the office of Crown Solicitor for County Sligo, the office of Sessional Crown Solicitor for the County having been held by the late Mr. Valentine B. Dillon until his death, which took place last July.

The Lords Commissioners of His Majesty's Treasury have appointed Mr. William George Towers to be Treasury Solicitor in Ireland, in succession to the late Mr. William M. Lane.

Mr. Towers, who was admitted a Solicitor in Trinity Sittings, 1880, was for some years Registrar to the Donegal County Court, and subsequently was Assistant Solicitor to the Chief Crown Solicitor for Ireland.

The Lord Lieutenant has appointed Mr. Arthur Perry Lynch to be Assistant Solicitor to the Chief Crown Solicitor for Ireland in succession to Mr. W. G. Towers. Mr. Lynch was admitted a Solicitor in Michaelmas Sittings, 1888, and has for several years been upon the staff of the Chief Crown Solicitor.

The Lords Commissioners of His Majesty's Treasury have appointed Mr. Richard J. Martin, Solicitor, to be Solicitor to the Inland Revenue in Ireland, and a Special Commissioner of Income Tax, in room of Mr. Robert O'Brien Furlong, c.B., resigned. Mr. Martin was admitted in Hilary Sittings, 1891, and practised at 20 St. Andrew Street, Dublin.

Obituary.

MR. William Carey, Solicitor, died at his residence, 47 Grosvenor Square, Rathmines, on the 2nd day of August, 1907. Mr. Carey, who served his apprenticeship with Mr. James D. Meldon, 14 Upper Ormond Quay, Dublin, was admitted a Solicitor in Michaelmas Sittings, 1868, and practised at 14A Eustace Street, Dublin, in partnership with his son, Mr. William P. Carey.

Mr. William M. Lane, Solicitor, died at Fahan, Co. Donegal, on the 3rd day of August, 1907. Mr. Lane, who served his apprenticeship with Mr. B. H. Lane, Newtownlimavady, was admitted a Solicitor in Trinity Sittings, 1874, and practised at 22 Bachelor's Walk, and subsequently in partnership with the late Mr. Aquila M. Mahon, at 31 College Green, Dublin. When the office of Chief Crown Solicitor was created in 1888, Mr. Lane was placed in charge of the Board of Works branch; and this position he held until 1905, when he was appointed to the office of Treasury Solicitor in Ireland.

Mr. James Fitzgerald, Solicitor, Sligo, died at Sligo on the 11th August, 1907. Mr. Fitzgerald, who served his apprenticeship with the late Mr. Robert Casey (of the firm of Casey and Clay), 21 St. Andrew Street, Dublin, was admitted a Solicitor in Hilary Sittings, 1889, and practised in Sligo.

Mr. John Tapley, Solicitor, Fermoy, died at his residence, Patrick Street, Fermoy, on the 26th day of September, 1907. Mr. Tapley, who served his apprenticeship with Mr. John O'Riordan, Fermoy, was admitted a Solicitor in Hilary Sittings, 1891, and practised in Fermoy.

Mr. Richard J. Hone, Solicitor, died at Lower Mount Street, Dublin, on the 11th day of September, 1907. Mr. Hone, who served his apprenticeship with Mr. Joseph Hone, 5 Foster Place, Dublin, was admitted a Solicitor in Michaelmas Sittings, 1861, and practised at 9 Suffolk Street, Dublin, in partnership with Messrs. H. B. and R. B. Falkiner, until the year 1904, when he retired from practice.

Mr. John Ormsby Lindsay, Solicitor, died at Bournemouth on the 1st day of October, 1907. Mr. Lindsay, who served his apprenticeship with Mr. Richard S. Reeves, of 51 Merrion Square, Dublin, was admitted a Solicitor in Trinity Sittings, 1881, and practised at 197 Great Brunswick Street, Dublin, in partnership with the late Mr. Charles P. Armstrong.

Mr. Herbert Duncan, B.A., Solicitor, formerly of Newry, died at Winnipeg, Canada, upon the 7th day of October, 1907. Mr. Duncan, who served his apprenticeship with the late Sir William Findlater, Dublin, was admitted a Solicitor in Trinity Sittings, 1904, and practised in Newry till 1906.

Mr. Charles J. Walsh, Solicitor, died on the 14th day of October, 1907. Mr. Walsh, who served his apprenticeship with Mr. Roger Greene, of 11 Wellington Quay, Dublin, was admitted a Solicitor in Michaelmas Sittings, 1903, and practised in Dublin.

Mr. Charles R. Thorp, Solicitor, died at Clontarf, in the County of Dublin, on the 20th day of October, 1907. Mr. Thorp, who was admitted a Solicitor in Hilary Sittings, 1870, served his apprenticeship with his father, the late Mr. Daniel Thorp, Kildare Street, Dublin, and subsequently, on the death of his father, with the late Mr. Thomas Boyd, New Ross, and practised at 31 Kildare Street, Dublin.

Mr. John Cashin, LL.B., Solicitor, died in Dublin on the 27th October, 1907. Mr. Cashin, who served his apprenticeship with Mr. R. J. Crean, Clonmel, was admitted in Hilary Sittings, 1903, and practised in Clonmel.

New Solicitors.

ADMISSIONS during August, September, and October, 1907:—

Name.	Served apprenticeship to
Bannister, Robert Courtland,	Joseph Allen, Lisburn.
Dempsey, Patrick Alex.,	Joseph I. Donaghy, Belfast.
Hodnett, Wm. Rupert,	William Hodnett, Youghal.
O'Brien, James M.,	Joseph McKay, Belfast.

The Workmen's Compensation Act, 1906.

On the 19th July, 1907, Rules under this Act were made by the rule-making authority of the County Courts in Ireland. Attention is drawn to those of the Rules which deal with costs, which are as follows:—

Costs.

58. (i) [*Costs.*]—Until further order, any costs of and incident to an arbitration and the proceedings connected therewith directed by the Judge or by an Arbitrator to be paid by any one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the County Court as the Judge or Arbitrator shall direct; and in default of such direction shall be taxed according to the scale which would be applicable if the proceedings had been an equity suit in the County Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such suits shall apply accordingly.

(2.) Where the subject-matter of an arbitration is not a capital sum, the Committee or Arbitrator or Judge shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject-matter of the arbitration; and in default of such determination the amount shall be fixed by the Clerk of the Peace subject to review by the Judge.

(3.) The Committee, Arbitrator, or Judge in dealing with the question of costs may take into consideration any offer of compensation proved to have been made on behalf of the employer.

(4.) Where any workman presents himself for examination to a medical referee under par. 15 of the first schedule of the Act, and the certificate of the referee is used in any

subsequent arbitration, any reasonable travelling or other expenses incurred by the workman in obtaining such certificate (if not otherwise provided for) may, by order of the Committee, Arbitrator, or Judge, be allowed as costs in the arbitration.

(5.) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under par. 15 of the second schedule to the Act, any reasonable expenses incurred by such workman in travelling to attend on such referee for examination may by order of the Committee, Arbitrator, or Judge, be allowed as costs in the arbitration.

(6.) [*Taxation of costs awarded by Committee or by Arbitrator agreed on by parties.*—Where any such costs are awarded by a Committee or by an Arbitrator agreed on by the parties, it shall be the duty of the Clerk of the Peace in whose Court a memorandum of the decision of the Committee or Arbitrator is recorded pursuant to par. 9 of the second schedule to the Act, on application made to him, to tax such costs and to enter in the register the amount of such costs allowed on taxation; and such entry shall be deemed to be part of such memorandum and shall be enforceable accordingly.

REVIEW OF TAXATION BY JUDGE.

59. (1.) [*Review of Taxation.*—An application to the Judge to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the Judge gives leave for shorter notice.

(2.) Such application shall be heard and determined upon the evidence which has been brought in before the Clerk of the Peace, and no further evidence shall be received on the hearing thereof unless the Judge otherwise directs.

(3.) The costs of and incident to the application shall be in the discretion of the Judge.

(4.) The result of such review shall be entered in the register.

60. [*As to authority of solicitor to receive costs payable by adverse party.*—Where any party to whom costs are awarded acts by a solicitor, such solicitor shall have the same authority to take out of Court or receive any sum paid into Court or payable in respect of such costs by the party against whom such costs are awarded as he would have if such costs were awarded in an action.

COSTS OF SOLICITOR OR AGENT UNDER SCHEDULE II., PAR. 14.

61. (1.) [*Application to determine costs payable to solicitor or agent, Act, Sched. 2, par. 14.*—The following provisions shall apply to an application under par. 14 of the second schedule to the Act for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Act.

(2.) Where the sum awarded as compensation has been awarded by a Committee or an Arbitrator agreed on by the parties, the application shall be made to such Committee or Arbitrator.

(3.) Where a sum awarded as compensation has been awarded by the Judge,

(a) Such application may be made to the Judge at or immediately after the hearing of the application.

(b) If not so made, such application may be made at a subsequent date.

(4.) Where a sum has been agreed on as compensation, the application shall be made to the Judge.

(5.) [*Form 52.*—An application made to the Judge other than an application under par. 3a of this Rule shall be made in Court on notice in writing in accordance with Rule 45.

(6.) Such notice shall be served on the person for whom the solicitor or agent acted in accordance with the said Rule, and the provisions of the said Rule shall apply to the proceedings on such application.

(7.) On the hearing of any application under this rule, the Committee, Arbitrator, or Judge may award costs to the solicitor or agent, and may make an order declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded as compensation to such person, or to be entitled to deduct such costs from any such sum, or may make such order or give such directions as may be just.

(8.) Any costs awarded to a solicitor or agent on any such application shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the County Court as the Committee, Arbitrator, or Judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable

if the proceeding had been an equity suit in the County Court, and the statutory provisions and rules for the time being in force as to the allowance, and taxation of costs in such action and as to the objections and review of taxation by the Clerk of the Peace shall apply accordingly; and any taxation shall be subject to review by the Judge in accordance with the provisions of Rule 59.

(9.) Where the subject-matter of the arbitration is not a capital sum, the Committee, Arbitrator, or Judge shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject-matter of the arbitration.

62. Where an order is made by a Committee, Arbitrator, or Judge awarding costs to a solicitor or agent, and declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded or agreed as compensation, or to be entitled to deduct such costs from any such sum, the following provisions shall apply:—

(a) The Clerk of the Peace shall, on application made to him, tax such costs.

(b) A copy of the order, and, when the amount to which such solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount shall, at the request and cost of the solicitor or agent, be issued by the Clerk of the Peace for service on the party liable to pay the sum awarded or agreed on as compensation; and service thereof may be effected on such party in accordance with Rule 15.

(c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount shall be recorded in the register in which the memorandum or award under which the sum awarded as compensation is payable is recorded, and such last-mentioned memorandum or award shall have effect subject to such order and memorandum.

(d) The party liable to pay such compensation, shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.

(e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such solicitor or agent, the Judge may, on application made to him, on notice to such party in accordance with Rule 45 and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum; and in default of payment the Judge may order execution to issue to levy such amount.

(f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him, as against the party entitled to such compensation, to the amount paid or levied.

(g) Where the sum awarded as compensation has been paid into Court, the amount to which the solicitor or agent is entitled, shall be paid to him out of such sum.

Affidavits to Memorials for Registry of Deeds Office.

OWING to the provisions of section 6 of the Finance Act of 1907, an affidavit verifying the execution of a deed and memorial for the registration of a deed in the Registry of Deeds Office, is now exempt from the half-crown stamp duty, whether it be sworn before a Commissioner of Oaths or a Justice of the Peace.

Winter Assizes.

THE Lord Lieutenant has made the following orders with regard to the forthcoming Winter Assizes:—

The Ulster Winter Assizes shall be held in Belfast. The County of Antrim, the County of the City of Belfast, the County of Down, the County of Armagh, the County of Monaghan, the County of Donegal, the County of Londonderry, the County of the City of Londonderry, the County of Fermanagh, the County of Tyrone, and the County of Cavan, shall be united together, and form one county under the name of the Ulster Winter Assize County.

The Munster Winter Assizes shall be held in Cork. The County of Waterford, the County of the City of Waterford, the County

of Kerry, the County of Cork, the County of the City of Cork, and the County of Tipperary, North Riding and South Riding, shall be united together and form one county under the name of the Munster Winter Assize County.

The Leinster Winter Assizes shall be held in Wicklow. The County of Kilkenny, Queen's County, King's County, the County of Meath, the County of Westmeath, the County of Louth, the County of Longford, the County of Wicklow, the County of Kildare, the County of Wexford, and the County of Carlow shall be united and form one county under the name of the Leinster Winter Assize County.

The Connaught Winter Assizes shall be held in Limerick. The County of Leitrim, the County of Galway, the County of Mayo, the County of Roscommon, the County of Sligo, the County of Clare, the County of Limerick, and the County of the City of Limerick shall be united together and form one county under the name of the Connaught Winter Assize County.

The following dates have been fixed for the opening of the Winter Assizes:—

ULSTER.—At Belfast, Tuesday, December 3rd, at twelve o'clock noon.

Judge.—The Hon. Mr. Justice Dodd.

Registrar.—Mr. Huston Dodd, 26 Fitzwilliam Square, Dublin.

MUNSTER.—At Cork, Tuesday, December 3rd.

Judge.—The Right Hon. The Lord Chief Justice.

Registrar.—Mr. T. W. Butler Kearney, 1 Upper Hatch Street, Dublin.

LEINSTER.—At Wicklow, Monday, December 2nd, at 12.30 o'clock p.m.

Judge.—The Right Hon. The Lord Chief Baron.

Registrar.—Mr. Arthur Robinson, 54 Park Avenue, Sandymount, Co. Dublin.

CONNAUGHT.—At Limerick, Tuesday, December 3rd, at eleven o'clock a.m.

Judge.—The Rt. Hon. Mr. Justice Andrews.

Registrar.—Mr. Jas. T. Andrews, 1 Waterloo Road, Dublin.

Additions to Library.

THE following books have been added to the Library of the Society since the 1st August, 1907:—

Army List, The Monthly. October, 1907.

Encyclopædia of the Laws of England. 2nd ed. vols. 5 and 6. 1907.

Hanna (H.): Law of Workmen's Compensation, with the Irish Rules and Forms. 1907.

Matthews (J. B.) and H. M. Adler: Law relating to Covenants in Restraint of Trade. 2nd ed. 1907.

Quill (A. W.), F. P. Hamilton, and E. V. Longworth: The Town Tenants (Ireland) Act, 1906. 1907.

Revised Reports, The; vols. 91 and 92 (1851-1853). 1907.

Roscoe (H.): Law of Evidence on the Trial of Actions at Nisi Prius. 18th ed. 2 vols. 1907.

Solicitors' Benevolent Association.

A MEETING of the Directors was held upon 30th October at the Four Courts, Mr. William Fry, J.P., in the chair. The minutes of the last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £29 8s., making the total annual subscriptions received since 1st January last, £484 1s. The Directors then proceeded to consider the various cases for relief, and made grants to four applicants, amounting in all to £65, bringing the amount afforded in relief since 1st of January up to £528 5s. Meetings of the Association will be held upon 27th November and 4th and 11th December.

Solicitors' Apprentices' Debating Society.

SESSION 1907-1908.

THE following are the Officers of the Society for the year:—

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

Vice-Presidents—Sir George Roche; William Fry, Esq., J.P.; George Collins, Esq.

Auditor—Henry Shannon.

Hon. Secretary—Hugh O'Brien Moran, 32 Lower Ormond Quay, Dublin.

Hon. Treasurer—Charles J. Reddy.

Committee—J. M. Cullinane; J. Barry Brown; James Darcy; James Geoghegan; M. M. Quin; J. H. King; J. C. B. Proctor.

The Opening Meeting for the Session was held in the Hall of the Incorporated Law Society, at the Four Courts, upon Monday, 28th October.

The President (Mr. W. S. Hayes) in the chair.

The Auditor (Mr. H. Shannon) read his inaugural address upon "The House of Lords."

The first resolution was moved by the Right Hon. J. H. Campbell, K.C., M.P., and seconded by Mr. S. Gwynn, M.P.

The second resolution was moved by Mr. T. W. Russell, M.P., and seconded by Mr. James Chambers, K.C.

The meetings of the Society are held in a room, provided by the Incorporated Law Society, in the Antient Concert Rooms, Great Brunswick Street.

Apprentices desirous of joining should communicate with the Hon. Secretary at above address.

PROGRAMME FOR MICHAELMAS SITTINGS, 1907.

Monday, Nov. 4th, at 8 p.m.—Debate—"That a National University is necessary for Ireland."

Monday, Nov. 11th, at 8 p.m.—Legal Debate—"That the case of *Pearson v. Dublin Corporation* (1907), 2 I. R. 53, was rightly decided."

Monday, Nov. 18th, at 8 p.m.—Impromptu Speeches.

Monday, Nov. 25th, at 8 p.m.—Debate—"That the growth of Socialism in Great Britain should be discouraged."

Monday, Dec. 2nd, at 8 p.m.—Debate—"That the Irish Council Bill of May, 1907, should not have been summarily rejected."

Dates of Examinations.

THE following are the dates of the January, 1908, Examinations:—

January 2nd and 3rd.—Preliminary (notice to be lodged before December 3rd).

January 6th and 7th.—Final (notice to be lodged before December 7th).

Michaelmas Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Michaelmas Sittings, 1907:—

October 25th and 29th.

November 1st, 5th, 8th, 12th, 15th, 19th, 22nd, 26th, and 29th.

December 3rd.

Professor Boyd will deliver lectures to the Junior Class upon Common Law on the following dates in Michaelmas Sittings, 1907:—

October 28th and 31st.

November 4th, 7th, 11th, 14th, 18th, 21st, 25th, and 28th.

December 2nd and 5th.

The lectures to both classes will be delivered at 4 p.m. in the Lecture Theatre of the Society at the Four Courts.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.

The Incorporated Law Society of Ireland

COUNCIL AND OFFICERS FOR THE YEAR ENDING

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephone Nos. 27082 (2 lines).

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The Incorporated Law Society of Ireland.

COUNCIL AND OFFICERS FOR YEAR ENDING 26TH NOVEMBER, 1908.

President :

GEORGE H. LYSTER.

Vice-Presidents :

GEORGE COLLINS.

JAMES A. DENNING.

Ordinary Members :

WILLIAM S. HAYES.

M. BARRINGTON JELLETT.

WILLIAM V. SEDDALL.

SIR GEORGE ROCHE.

STEPHEN J. BROWN.

EDWARD WHITE.

SIR AUGUSTINE F. BAKER.

JOHN P. LYNCH.

THOMAS C. FRANKS.

WILLIAM FRY.

HENRY J. SYNNOTT.

WILLIAM H. DUNNE.

E. C. EARLE BLAND.

JAMES A. DENNING.

FREDERICK W. MEREDITH.

GEORGE COLLINS.

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CHARLES A. STANUELL.

JOSEPH GALLOWAY.

RICHARD S. REEVES.

JOHN W. RICHARDS.

MICHAEL J. O'CONNOR.

WILLIAM J. SHANNON.

JAMES HENRY.

ROBERT G. WARREN.

RICHARD A. MACNAMARA.

A. LLOYD BLOOD.

STEPHEN ST. L. BURKE.

CHARLES ST. G. ORPEN.

Provincial Delegates :

Ulster—THOMAS M. GREER.

Leinster—MICHAEL BUGGY.

Munster—HENRY BLACKALL.

Connaught—WILLIAM P. KELLY.

Extra-Ordinary Members :

Northern Law Society.

JAMES W. MCNINCH.

CHARLES W. BLACK.

MARTIN J. BURKE.

JOHN D. COATES.

GEORGE B. WILKINS.

Southern Law Association.

W. GUEST LANE.

ALFRED BLAKE.

FREDERICK HALL.

ARTHUR H. JULIAN.

WALTER THORNHILL.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I, No. 6.] December, 1907.

[FOR CIRCULATION
AMONGST MEMBERS.]

Half-Yearly General Meeting.

REPORT OF PROCEEDINGS.

THE Half-yearly General Meeting of the members of the Society was held on Tuesday, 26th November, in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, Mr. William S. Hayes (the President of the Society) in the chair. The following members were also present:—

F. C. Earle Bland, A. Lloyd Blood, Arthur E. Bradley, Gerald Byrne, George Collins, James A. Denning, William H. Dunne, Thomas C. Franks, William Fry, Joseph Galloway, James Henry, Richard A. Macnamara, Frederick W. Meredith, Michael J. O'Connor, Charles St. G. Orpen, Richard S. Reeves, John W. Richards, Sir George Roche, William V. Seddall, W. J. Shannon, Henry J. Synnott, Robert G. Warren, Joseph Gleeson, W. D. Sainsbury, H. J. M'Cormick, G. de R. Englebach, J. P. Tyndall, G. M. Meares, John O'Sullivan, Patrick J. Brady, P. K. White, Roger Greene, E. S. Lowe, William Jasper Brett, M. J. Hanmore, A. G. Joyce, Michael Kavanagh, J. W. Davis, John R. Stritch, Samuel Kerr, B. M. O'Grady, S. M. Bell, Isaac B. Molloy, M. C. O'Halloran, A. E. Goodbody, N. L. Moran, John Gore, James Brady, William Henry, E. D. Darley, Robert Hayes, R. J. Dodd, jun., I. J. Rice, C. O'Rorke, D. A. Quaid, T. G. Quirke, Charles Daly, W. H. Geoghégan, P. J. Rooney, David Dunné, J. J. Maguire, Leopold L. M'C. Dix, C. H. Chaytor, E. A. Shaw, Q. W. Kennedy, W. E. Garland, Charles Corcoran, William Lynch, Daniel Purcell, G. M. Knox, S. B. Edmundson, M. J. Byrne, E. H. Burne, G. T. C. Roe, H. A. Drennan, Patrick Lavelle, Hastings D. Draper, Terence O'Reilly, F. T. Walsh, B. Fox, R. Blair-White, W. J. Grove-White,

James H. M'Loughlin, R. A. J. O'Brien, Michael O'Reilly, T. L. Rooke, William M'Ferran, E. N. Edwards, R. Stephenson, W. T. Phibbs, R. Powell, jun., F. S. D. Colquhoun, F. G. Sharpe, R. W. MacNeice, R. A. Andrews, R. T. Holmes, G. C. Stapleton, J. G. Perry, James J. Hayden, Robert Scholefield, John Pride, E. J. French, H. D. Vaughan, J. S. Vanston, P. J. Kavanagh, H. R. Maunsell, G. H. Parkes, W. J. Ryan, T. F. Crozier, Leonard Webb, A. H. Orpen, A. H. S. Orpen, R. W. Hamilton, G. A. G. Byrne, G. R. Scott, John J. Beatty, H. B. P. Wilson, F. V. Gordon, C. H. Monsarrat, Alfred Tatlow, John G. Lidwell, W. Houghton Fry.

The Secretary (Mr. William G. Wakely) read the notice convening the meeting, also the minutes of the Half-yearly General Meeting of the 16th May last, which latter were confirmed and signed. The President signed the audited accounts of the Society for the year ending the 30th April, 1907.

The Secretary read the report of the scrutineers of the ballot for election of Council for year ending the 26th November, 1908, which stated that the following had been returned unopposed as Provincial Delegates:— Henry Blackall, for Munster; Michael M. Buggy, for Leinster; William P. Kelly, for Connaught; and that for the office of Provincial Delegate for Ulster, Thomas M. Greer received forty votes, and J. B. M'Cutcheon received twenty-eight votes; accordingly, Thomas M. Greer was elected as Provincial Delegate for Ulster, and J. B. M'Cutcheon as the supplemental name in the case of a vacancy arising; and that the following, having received the number of votes placed after their names, have been elected as the thirty-one ordinary members of the Council:—

William S. Hayes, 238; Sir George Roche,

230; Sir A. F. Baker, 219; William Fry, 212; F. C. E. Bland, 211; George Collins, 210; Gerald Byrne, 207; Richard S. Reeves, 206; William J. Shannon, 202; Richard A. Macnamara, 193; Charles St. G. Orpen, 193; M. Barrington Jellett, 191; Stephen J. Brown, 188; John P. Lynch, 181; Henry J. Synnott, 176; James A. Denning, 176; George H. Lyster, 174; Charles A. Stanuall, 170; John W. Richards, 170; James Henry, 166; A. Lloyd Blood, 164; William V. Seddall, 159; Edward White, 157; Thomas C. Franks, 156; William H. Dunne, 155; Frederick W. Meredith, 154; Arthur E. Bradley, 150; Joseph Galloway, 139; Michael J. O'Connor, 130; R. G. Warren, 129; Stephen St. L. Burke, 125. And the following to form a supplemental list to fill vacancies:—John G. Fottrell, 122; J. R. O'Connell, 100; T. H. R. Craig, 99.

On the motion of the President, seconded by Mr. James Henry, Vice-President, it was resolved that the May, 1908, Half-yearly General Meeting be held on Friday, 15th May, instead of Saturday, 16th May.

THE PRESIDENT, in moving the adoption of the Annual Report, said:—The duty of proposing the adoption of the report of the Council for the past year now devolves on me; and, as the print of it has been sent to each member, I presume I may take it as read.

Now, in the first place, it is pleasing to observe that there has been an increase in the members, of whom we have 729 this year, as against 713 last year. A small increase no doubt, but still an increase, and one which I venture to hope may continue, for the sphere of influence of any society, and the weight of its suggestions or protests, must largely depend on its having the cordial support of the great bulk of the members of the profession it represents, loyal to each other, and possessing unity of purpose.

I fear, too, that many country members, of whom we have only 295, as against 434 Dublin members, are apt to approach the question of membership from the point of direct personal benefit. It is not by the adoption of such a narrow view that men succeed in any profession; but, even on the somewhat narrow aspect of direct personal benefit, I venture to suggest that any Dublin solicitor selecting a practitioner in a country town, or an English or Scotch solicitor selecting one in Dublin or the country, would be influenced by the fact of membership. Then again, another direct inducement, apart from use of our premises generally, is the library; for I see that a art

from readers in the library, 3392 books were lent to members during the year, many volumes having been sent to country members.

It is pleasant to be able to record the fact that the position of Chief Clerk to the Lord Chancellor has been restored to the solicitors' profession. So soon as the Council heard the post was likely to become vacant a resolution urging the claims of the solicitors' profession was sent to the Lord Chancellor; and the appointment made has, I am sure, met with general approval.

At last a solicitor has been appointed as solicitor to the Inland Revenue. How it ever came that the office of solicitor to a great public department was filled by some one not a solicitor is more than I could ever comprehend. When we heard of the probable retirement of the courteous and much-respected gentleman who, until lately, held the post—a barrister, as you all are probably aware—we sent a memorial to the Lords of the Treasury, pointing out that the post, as its name implies, was one conversant with the work transacted by solicitors; and that the Board of Inland Revenue has a Standing Counsel and the Law Officers of the Crown to refer to when necessary. Copies of this memorial were sent to influential persons in authority. I believe—indeed I know—that the claims of the solicitors' profession were recognized by many leading members of the bar; and now, by appointing a solicitor to the post, an anomaly of many years' standing has ceased to exist.

I alluded at our last half-yearly meeting to the post of Examiner to the Irish Land Commission. There are several Examiners, and the statute specially authorizes the appointment of a solicitor, but no solicitor has yet been appointed, although I am aware that there are suitable applicants from our ranks; however, from the kind assurances received from the judicial and other Commissioners that the claims of solicitors will be considered, I am sanguine our claims, when considered, will be recognized. At present I believe there are two vacancies, and our secretary has again respectfully reminded Mr. Justice Wylie of the strong claims of our profession; and from what we all know of him I think we may rest assured that all else being equal he will not pass over the claim of the solicitors on this occasion.

Now, while we have been watching these positions, which we modestly look on more or less as prizes—something to be sought after—we have not forgotten the general body of practitioners. You will see we have success-

fully prosecuted unqualified persons for drawing conveyances, and we rely on our country brethren to bring to the notice of our Secretary any cases of the kind; and we resisted an application to grant powers to a bank for their managers to act as trustees. While not altogether successful in our opposition, we obtained, as you will see from the report, undertakings to safeguard the interests of our profession.

Once more we have made an appeal to be relieved from the payment of annual licence duty. You will see from our memorial to the Chancellor of the Exchequer that this duty was first imposed in England, in 1785, as a war tax. It was not extended to Ireland until 1816. It was increased from £8 to £12 in 1842, and was changed again in 1853 to the present rate of £9 for Dublin, and £6 for country solicitors. Some of us must console ourselves with the thought that it is a benefit we derive from the Union; others possibly that the day is not far distant when this consolation will no longer exist. But in no event will the matter be lost sight of. Barristers, physicians, and the members of other learned professions can fix their own fees, and are not subject to any similar licence duty, while we are taxed and are restricted in regard to our fees.

During the year I have been consulted by the Judges in regard to various rules, and my suggestions have been most courteously received by them. It is only in comparatively recent years your Society has had any voice in making rules; but now that we are consulted we approach their consideration not from the restricted view that we are only to look to what may or may not affect solicitors; we take the broader view that it is our duty to assist in the framing of the rules generally. In the case of the Town Tenants Act the schedule of solicitors' remuneration was materially altered by the Lord Chancellor and County Court Judges, and a sliding scale, according to the amount involved, adopted—a system of payment which, I think, is acceptable not only to the profession but to the public. Needless to say, before offering any opinion, I was fortified by the views of the members of our County Court Committee. I will only touch lightly on the Evicted Tenants Act and Rules. If you fail to understand them, don't blame me.

This brings me to the Estates Commissioners' new rules, and at the outset I wish to publicly acknowledge the patient consideration given by Mr. Justice Wylie to my several suggestions—I think I may say protestations—

in regard to several of the rules, and afterwards for the way he met your Council in regard to written representations made by me before the publication of the draft rules, and by the Council afterwards. All I can say is, very material concessions were made, all with the view of facilitating sales, and the solicitors' work. You will probably wonder how we allowed a rule to pass which provides that documents already filed—some of them more than two years ago—are to be subjected to the scrutiny of Counsel at the vendor's expense when the Act provides for investigation of *prima facie* title at the cost of the Land Commission. I tried to persuade the Commissioners, and the Council subsequently protested, all to no avail, although I must say we were fairly met on other matters.

That the subject of the Estates Commissioners' Rules was one of vital importance is best illustrated from the following figures which I have extracted from the Report of the Estates Commissioners for the year ended 31st March last. Up to that date, from November, 1903, 111,972 agreements for purchase had been lodged, the aggregate purchase prices being over 41 millions; but, towards satisfying this 41½ millions of money, advances had only been made to the extent of 12½ millions. Mr. Birrell in one of his recent speeches attributes a certain amount of delay to the lawyers, in a speech yesterday to want of sufficient staff; but the real cause of delay is want of money. There may be isolated cases of difficulty and consequent delay; but I unhesitatingly assert that both solicitors and officials have worked and are working loyally to carry through sales with the greatest possible expedition; and we were anxious to see that no Rules would be passed which would cause difficulty and resulting delay.

There have been various meetings of the Committee having charge of the rules under the Labourers Acts. We wished to make suggestions to the Local Government Board, with the view of simplifying procedure and reducing the responsibility of solicitors, and therefore asked the Board to receive a deputation; but we would not be received, which is, I feel, a matter of regret.

Complaints have been received from our country brethren as to the inadequate remuneration under the Act; but it seems to me that they have a graver cause of complaint against members of our own profession who tender for work sometimes at a rate even below the miserable scale fixed by the Local

Government Board, simply to secure business which legitimately belongs to some one else. I cannot think it is in the interest of anyone that such solicitors should be employed.

You will observe that a Bill was introduced at the instance of the Recorder of Dublin, to extend to other actions in his Court powers which he has in Equity suits, and for other purposes, which was approved of, subject to some modifications in regard to which they were most fairly met by the Recorder; but, unfortunately, the Bill was not read a second time.

I gave evidence on behalf of the Society in London before a Committee, sitting to inquire into the Bankruptcy Laws, the general line of my evidence being that 'tis better 'bear those ills we have than fly to others that we know not of,' and I don't think you need fear any immediate legislation for Ireland on the Bankruptcy laws; which, as far as I could gather, are worked on a much better system here than in England.

We have to mourn the loss of Mr. Daniel Murray, who was for many years Provincial delegate from Ulster; and we also deeply regret the death of Master Goodman, who was our special examiner since 1866.

We have this year followed the example of the English Law Society in issuing a Monthly Gazette to our members. It is a new venture, and I hope it will prove useful. We invite members to send for publication notes of cases likely to interest the profession.

There are minor matters in the report which I need not specially refer to. The year has not been an idle one. For our successes you have not to thank me, but your Council, who have been indefatigable in their attention to the work of the Society; while the hearty co-operation of your two Vice-Presidents made my work a pleasure even if at times I felt it somewhat onerous.

MR. JAMES HENRY, Vice-President, said it devolved upon him to second the adoption of the report. After the very full and lucid explanation they had got of the report, he thought it inadvisable that he should go into it in any detail at all. He should only say that if the Council during the year had done no other service to the profession than the restoration of the office of Chief Clerk, and that of Solicitor to the Inland Revenue, to the solicitors' profession, it had done a good year's work.

MR. GERALD BYRNE said it occurred to him that the very first paragraph in the report should be considered by the members of the

solicitors' profession with great care. It showed that out of nearly 1,500 practising solicitors in Ireland, only 729 are members of the Society; and, notwithstanding the agitation for alteration in the Council made last May, and again brought forward at this meeting, less than half of those members have availed themselves of the opportunities of voting for members of the Council of the coming year. This spoke badly, in his opinion, for the interest taken by the profession generally in their own affairs. The commonest tradesman in the country took more interest in the management of his affairs than do the solicitors.

The next part of this report he wished to touch on was that with which he was closely connected.

He regretted the Bill which was introduced by Mr. Harrington, Mr. Gordon, and Mr. Waldron, to amend the Civil Bill procedure in the City of Dublin was not given a fair consideration. Practitioners who are engaged in the Recorder's Court of Dublin are fully conscious of the great difficulties in the way of collecting honest debts.

He had urged the question of interpleader over and over again; and he hoped his efforts would not be altogether in vain, and that soon they would have some remedy for this bad state of affairs.

Again, he would urge the abolition of the practice whereby through use of a default process the defendant was supplied with a notice which he had only to tear off, and send to the Clerk of the Peace to nullify the affidavit, which had been made by the plaintiff, who possibly lived miles away, thereby compelling the plaintiff if he wished to get a decree to attend personally, and give oral evidence in Court of what had already been deposed to in his affidavit.

Affidavits should be permitted to be used in the Court to prove matters such as signatures to deeds, Bills of Exchange, or matters of that class, and to render unnecessary the attendance of witnesses in Court to prove them. He considered a seal would, if used by a responsible officer, save time, and also that the limitation for appeal should be four days from the date of pronouncing the decree, and not from the termination of the Sessions, which sometimes lasted for a few weeks. This should only apply to the City of Dublin, because difficulties might arise where in country places solicitors had to go from one Quarter Sessions district to another, and could

not attend to appeals until the entire Civil Bill Sessions were over. The present Recorder of Dublin had done a great deal to remedy the bad state of affairs; but these matters could not be changed unless he were authorized to do so by Act of Parliament, which change would make the Court a suitable one, and more capable for the collection of small debts in the City and County of Dublin. Of course he was against the bringing of the Kilmainham business into the City of Dublin; but when the Boundaries Act brought Clontarf and the entire of the Kilmainham township into the City of Dublin, he found it was much easier for defendants in the remaining districts, viz., Rathmines and Howth, to attend at Green Street than at Kilmainham, and the benefit by bringing the entire district into the city would give a monthly Sessions instead of the old Quarterly Sessions. He was, therefore, of opinion, for what his opinion was worth, that the Kilmainham business ought to be tried in the city, at Green Street, leaving all the other divisions standing as they are at present.

SIR GEORGE ROCHE said he had very few observations to make, and they principally related to the working of the Land Act. In the first place, he thought they all admitted that the Judge and the Commissioners had done everything to facilitate them, but a block arose from the want of funds. There were about 6000 originating applications, and requests lodged; and of those only 2000 had been disposed of in four years. At that rate the applications now lodged would take eight years before they could be dealt with. That was a very serious matter, not only to the landlords, but to the tenants. The landlords were receiving considerably less than their past income, and the tenants were paying much larger sums than they would have to if their cases were closed. They all recognized the difficulty the Government were in, in procuring the funds; but it was of the utmost importance to the interests of the country that the working of the Land Act should be placed on a proper basis. He was pleased to see that the Chief Secretary had withdrawn the observations previously made by him, to the effect that the delay was due to the lawyers. He had now admitted that the delay was due to himself, which meant, of course, that it was due to the difficulties the Government were in as to getting funds. Something ought to be done to bring the system to work more expeditiously.

There was only one other matter he wished

to refer to—that was the question of labourers' schemes. It was regrettable that any solicitors should take the work at a scale lower than the fixed scale, which was most wretched. Unfortunately in the country the question of tendering for cases was going on, and had been strongly protested against by their profession. He knew of one case where the solicitor for a board said he would take the work according to the scale, and another gentleman said he would take it for 17s. in the pound, or 15 per cent. below the wretched scale. He certainly trusted that less than the scale would not be taken, and they must try to get it increased.

MR. JAMES BRADY said he thought the attitude of some of their professional brethren with regard to the Labourers Acts and fees was regrettable, and, to his mind—he said it deliberately—the action of those who sought to tender at a lesser price than the schedule was really tantamount to a bribe offered to guardians of the poor to get the work done at a cheaper rate than the allotted scale. In his opinion that would come within the purview of the Corrupt Practices Act, and ought to be dealt with in that way. In reference to Mr. Byrne's remarks as to the membership of the Society, they heard constant complaints about the subject. It was a matter for regret that even members of the Society did not think it worth their while to vote. It was sad, but the fact remained that there was a sort of inattention to, and want of interest in, the affairs of the profession. As to how that was to be remedied, one did not well know the best course to take. Some seemed to think that the Council did not look after the interests of the profession sufficiently. Well, he had that opinion for many years himself; but since they started a little agitation, and got on the Council some of those they conceived to be popular members of the profession, he was bound to say that, as far as he could see, there was no ground whatever for complaint (hear, hear) regarding the admirable and splendid work which the Council had been doing for some years past (hear, hear).

Mr. Byrne had referred to the Recorder's Court and to the work. Well, they who practised in that Court found it essential in their own interest to start the Green-street Bar Association. He became one of the honorary officers of the Association. The same laxity had grown up amongst them there, and they could not even have meetings held. There seemed to be a want of interest amongst the

members who practised in that Court—a want of care and attention which one could not well understand. As Mr. Byrne very properly said, trades union organizations looked after their interests; and, owing to the interest they took in each other, they became a force in the community. If they, the members of the solicitors' profession, did not follow more or less on the same lines, they might expect to be treated as the Local Government Board had treated them in refusing to receive a deputation from their organization—and that was really a nice state of affairs to exist in the country (hear, hear). Some effort ought to be made to teach that Board a lesson, at least in gentlemanly behaviour.

The change of the business from Kilmainham was really one for the public more than them. Personally speaking, he did not care where he was brought to practise in his profession, provided he was paid for it; so it was immaterial whether they should continue to remain in Kilmainham or go to Green-street. It was a matter for the public; and if they thought the change essential, they could bring pressure to bear on their Members of Parliament to have the alteration carried out without delay. There was another matter he wished to say a word about. He thought it would be in the interest of the public if they could have a shorthand writer or member of the Institute of Journalists attached to the Courts. It was a matter of deep public concern, and ought to be considered by the Council. And for this reason: many cases of great public interest and of deep importance to the litigants were heard in the Courts, and examination and cross-examination took place. Disputes arose between the learned Counsel on either side, and sometimes they actually questioned the accuracy of the Judges' notes in regard to examination and cross-examination. In these cases the notes taken by the Judge, and by Counsel, subsequently became of great importance in after-arguments and the decisions thereon; and it would be to the interest of litigants and the community if they could get the Treasury to consent to the appointment of such an officer as he suggested. If such an official were appointed and paid by the Treasury, he could be called on by the Judge to take notes of the evidence required. Subsequently, if desired, transcripts could be furnished to the parties requiring them, at the usual charges. Of course, whichever litigant succeeded in his case should be awarded the costs of the notes. Very often difficulties arose, and parties might suffer a

little injustice by errors which must necessarily occur during a heated examination or cross-examination of a witness. If a shorthand-writer were placed beside a witness, as was the case in the Probate Court, it would end all controversy, and would be not alone of advantage to the profession but the public generally. This was a matter of interest to the profession, and after drawing attention to it, he willingly supported the adoption of the report which the President had so ably proposed (applause).

MR. M. J. BYRNE said that observations had been made which did not affect him personally, because he had always been a member of the Society. He had himself spoken to several members of the profession down in the Kingdom of Kerry, and urged them to join the Society; but he found there was a general feeling that the Council did not appreciate the difficulties that arose in the country, and that country practitioners were not in touch with the Council. They had to deal with a very different state of things here from that in the country, and those in the country rather looked to the Council for advice. They would be glad to get that advice on questions of professional etiquette; also on questions of fees, and on other questions that arose in their daily practice. He would give them one case in point relating to conveyancing business. On a sale of lands purchased under the Land Purchase Acts, Stamp Duty was calculated on the price paid plus the redemption value of outstanding purchase instalments; and it was felt down in the country that that was a very great hardship (hear, hear). Letters had been written to the Society on the subject, and the matter had not been taken up. Referring to the rules under Labourers Act, he said it was felt that the Incorporated Law Society was not a very potent force. That was, perhaps, one of the reasons why country members of the profession did not join as largely as they might otherwise. They had a local society in Kerry, and they asked if there was no provision in the rules by which country societies might be recognized. He believed there was not such provision. There was just one other question he would like to say a word on, and that was the question of land purchase delays. There was no doubt this was most deplorable, and that it created the greatest unrest in the country amongst both tenants and landlords, so much so that he had been advising landlords not to sell as things at present stood, because it meant that they parted with all control over their properties for six or seven years, and then

they were not sure they were going to get the purchase-money, or half of it, under the agreements that had been lodged. The Treasury seemed to be the common butt; but he understood that at no time had the Land Commission been held up for want of money. There might be, of course, some difficulty in raising funds; but it was not the cause of the delay. The cause of the delay was the minute inspection and bad arrangement of the present staff.

MR. WILLIAM FRY said he would like to congratulate the profession on the meeting they had that day, because he thought it would be within the recollection of some of them, that for years past they had not had so representative a meeting. He thought they had a right to explain to their country friends that there was not a single letter that came from the country from any member of the profession that was not carefully attended to; and he thought Mr. Wakely would bear him out in saying that in the particular case Mr. M. J. Byrne had referred to he did not think it ever reached him. An isolated case such as Mr. Byrne had told them of was hardly a fair sample of the way the work of the country was attended to. The Council was not alone composed of men from the city, but there were on it men from every province in Ireland. They were in touch with the Northern and Southern Law Societies; and, speaking after twenty years' experience, he might say that never had a request of the kind been neglected. Of course requests were not always complied with—the Council must use its own discretion as to whether a certain case ought to be taken up or ought not—in the way a member might ask; but every letter was well considered. Dealing with the question of land-purchase delays, he observed from the paper that Mr. Birrell took the blame for the delays more or less on his own department; but he said that the present system could not last for ever. And it occurred to him that as Mr. Birrell enumerated the enormous staff of officials at present engaged in carrying the Act into effect, that if the Treasury saved the expense of all the inspectors and others who were now promenading all round Ireland, and applied it to the purchase-money of some of the estates locked up in the department for so long, it would be better in the public interest. But as long as the present system lasted, they must expect that cases would not go on as fast as they, professional men, would work it. When the Bill became law, their profession gave an undertaking, that they as members of the

community would do their level best to make that Act of Parliament work smoothly; and they had been loyal to that, and had never broken faith; and they might be proud of how few cases appeared in the list to account for delays. It was not their fault that only 2000 of the 6000 originating applications on the file had been disposed of, and he attributed that to only one cause—want of money. There were now a couple of vacancies in the examiners' posts in the Land Commission, and the Council were pressing the claims of the solicitors' profession to fill them. Their men were more suited for the post than others, after the course of examinations they went through, and the training they got at the hands of their lecturers and examiners. They were capable of filling these positions; and he claimed as a right that their profession should not be passed over on the present occasion, and that their profession should be recognized in connexion with the two vacant posts of examiners (hear, hear). There were other matters of deep interest in the report, to which the members might well turn their attention. If those gentlemen from the country who complained would only take the trouble of studying that report, they would say it was a record of good work. If they were all united, neither the Local Government Board nor any other Board could refuse to receive a deputation, but now the Board could afford to shrug their shoulders and say, "Oh, they are only solicitors." They asked for support, and he trusted as one result of their meeting that day, that far more members of the profession would join the Society (applause).

MR. R. A. MACNAMARA said that, as a member of a Committee that did work sent them by the Council, he could say that no application from the country had failed to be dealt with. One of the reasons why as many cases as they would like had not been dealt with was the want of funds, which these gentlemen in the country did not supply, not being members. If the gentleman from Kerry would send in such a question as Mr. M. J. Byrne had referred to, it would be considered by the Council; and if they came to the conclusion it was one that ought to be attended to, it would be done. They had to pay Counsel, and had other outlay; and they could not do the work if solicitors through the country would not contribute to the Society. The solicitors of Ireland had the matter of the election of the Council in their own hands, and if they did not pay, and become members, and vote for the Council, why should they grumble at the Council as it stood? (hear, hear).

MR. QUAID said he thought some action ought to be taken by the Council in regard to the system of—should he say—tendering, which was practised by some solicitors in the country. They all knew that fees were prescribed by the Irish Bar, and if any members were undercutting their brethren, it would be a matter for a disciplinary body to take action. Something similar should be done in reference to a solicitor offending, and he should be called on to explain why he did it. That would very soon put a stop to it.

MR. QUINTIN KENNEDY said he was sure he was voicing the feeling of every member of the profession, when he expressed cordial thanks for the work done during the year. It was a record year, and their report should bring in many more members. He thought the new Council should press the claims of the profession to have solicitors appointed Resident Magistrates. He thought they had merit to fill the office above all others, and they should press their claim home. Out of seventy-two Resident Magistrates, he believed there was only one a solicitor.

THE PRESIDENT said he might answer a few of the observations that had been made. Mr. Brady alluded to the question of having a shorthand-writer attached to certain Courts, and he thought a great many agreed with every word he said. He might tell them that he was speaking recently to one of the Judges, and he alluded to the same matter, and used to a large extent the same arguments in support of such an appointment; so that the matter was receiving the attention of the Judges, and possibly the present Council would go further into the matter. Mr. M. J. Byrne alluded to the question of stamp duty on conveyances, and referred to some letter that had been written, but he certainly did not remember any such letter, and the Secretary corroborated him. If any such letter had been written, it did not reach them. He could assure Mr. Byrne that if an important matter like that came before the Council, they would deal with it. Land-purchase delays had been dealt with so fully that he need not go into that again. Mr. Kennedy had alluded to the appointment of Resident Magistrates, which he was sure would have the attention of the Council just elected.

The report was then adopted.

MR. QUAID moved:

“That this general meeting of the Incorporated Law Society is of opinion that the dignity of the Solicitor Profession will be

much impaired if determined action is not taken by the Council of this Society to protect members of the profession in the very frequent cases occurring of detrimental utterances and action by the Bench in relation to Solicitors.”

He referred to instances in which members of the profession had not been fairly treated by the magisterial bench. He would suggest that the matter should be brought before the Council, and that action should be taken when any cases of the kind occurred.

The motion was not seconded, and accordingly fell through.

THE PRESIDENT said he thought he might mention that if cases were brought before the Council where it appeared that the dignity of the profession was assailed, the Council would at once take action (hear, hear).

The following motion was received from Mr. Rooney:—

“That Rule 29 of the By-laws of the Incorporated Law Society of Ireland, made and ordained at a Special Meeting of Members of the Society, held on the 28th February, 1889, be rescinded, and that the following Rule be substituted in lieu thereof:

“29. The Council, exclusive of the extraordinary members and provincial delegates, shall consist of thirty-one members of the Society who shall be called the ordinary members, and shall be chosen by a majority of votes as follows, viz.:—Ten from Class 1, hereinafter mentioned; eleven from Class 2, hereinafter mentioned; and ten from Class 3, hereinafter mentioned. And in case of two or more members in the same class having an equal number of votes, their priority shall be decided by lot by the Scrutineers. The Council shall hold office until their successors are appointed.”

“That the following addition be made to Rule 30 of the said Bye-laws, the addition to precede the word “every” at the beginning of Rule 30.

“The candidates for election as ordinary members of the Council shall be divided into three classes. Class 1 shall consist of members of the Society admitted not less than seven years or more than seventeen years previous to the date of election. Class 2 shall consist of members of the Society admitted not less than seventeen years or more than twenty-seven years previous to the date of election. Class 3 shall consist of members of the Society admitted not less than twenty-seven years previous to the date of election.”

"That for the purpose of carrying out the said alteration and additions in Rules 29 and 30, all consequential alterations, additions, or amendments in the subsequent Rules may be made."

THE PRESIDENT said that while they were very pleased to have a discussion as to the composition of the Council, and the way it should be elected, the motion could not, on the present occasion, proceed to acceptance or rejection. He had been advised that the motion was inconsistent with, and repugnant to, the Charter, and, therefore, *ultra vires*. He would allow Mr. Rooney to give his views and discuss the matter in a friendly way.

MR. ROONEY said it was not his intention to press his motion to a division that day; but he wished to explain his proposal. As he took it, the Chairman's point was that, under the Charter, there was an inherent right in every member of the Society to select any thirty-one candidates he might choose from among the members, and that no by-law has any right to restrict such selection. If the Chairman were right, he must admit, as a logical sequence, that by-law 30, upon which his amendments were founded, is absolutely *ultra vires*, for it declared that every candidate must be (1) a solicitor in actual practice, (2) holding a certificate for the current year, (3) admitted at least seven years previous to day of election. Every single point was on the Chairman's ruling a violation of the charter. Again, the Chairman's argument is founded on the word "manner" in the charter, which he holds must refer to nomination, ballot, and such-like matters. But the words are, "manner of electing," not "manner of voting," and I think that this is where the real confusion has arisen. Every man had a right to vote for thirty-one members; but it was absurd to say that every man had a right to elect thirty-one members, for the election did not depend on any one member, but on a majority of the votes of all the members. Proceeding, Mr. Rooney said, that, roughly speaking, his suggestion was to reorganize the Council by the introduction of a limited supply of new blood. This suggestion was made by others at the General Meeting in 1905, at the General Meeting in 1906, and at the May Meeting, 1907. Might he suggest a few reasons why reform is necessary? Consider the position in Ireland which the Incorporated Law Society occupies. It is eminently respectable; it bears on its face the stamp of antiquity; and it supervises with police-like efficiency the morals of the solicitors in Ire-

land. But, judging from its reports, its habits are subterraneous—it works, no doubt, assiduously, the whole year round, but underground and in the dark, and only twice yearly does it appear on the surface. On these occasions it naturally finds the light distressing; but after mature deliberation it resolves to use as its only illuminant the reflected brilliancy of its members' appointments. The fact that it has had no voice in the making rather adds to the charm of the using, because of the satisfaction that always follows the union of virtue and economy. The membership of the Incorporated Law Society, as appeared by the Calendar for the year 1907, was 696. Of that 696, 347 were admitted as solicitors within the past 17 years, and these form Class 1 in his scheme; 172 between the previous 10 years, *i.e.* between 1880 and 1889; these form Class 2 in his scheme; and 176 prior to 1880, and these form Class 3 in his scheme. Making a similar division into classes, the constitution of the present Council is as follows:—3 admitted within the past 17 years, 13 admitted between 1880 and 1889, and 15 admitted prior to 1880. That means that the 347 members of the Society admitted within the past 17 years have 3 representatives on the Council, one of whom resides in the West of Ireland, and another of whom is the second member of the same firm having representation on the Council. The 172 members admitted between 1880 and 1889 have 13 representatives on the Council; and the 176 members admitted prior to 1880 have 15 representatives on the Council. Two elements are fundamental to every election:—(1) the franchise of the electors; (2) the qualifications of the persons to be elected. From a consideration of the charter of the Society he was convinced that the franchise cannot be altered. As to the qualifications of the persons to be elected, did the Charter permit of any alteration in the method of election? He thought it was abundantly clear that every power was given to the Society to change in any way the method of election, or to alter any by-law in existence. He did not propose to take away, alter, or destroy any of the essentials of the Charter, *viz.*—(1) that there shall be thirty-one members; (2) that the members should be chosen by a majority of votes. He simply proposed to add to the by-laws, that in the choice of those thirty-one candidates they shall be divided into three classes, so that each member of the Society—especially those in Class 1—could recognize at a glance at least one of the qualifications of each can-

didate, and be in a position to vote either for one he knew or one working along the same lines as himself. The effect of the alterations would be that in future the 347 members admitted within the last seventeen years would have one-third of the total representation, or the same as the other Classes. In his opinion, if the amendments were made, it would prevent cliques; they would force an interest in the younger members on the older, and a corresponding interest in the older on the younger, and they would stimulate interest in the class of members at present most apathetic.

MR. HENRY said he conceived the true principle of representation for any electorate was—to put a concrete case—that the Council should represent the greatest number of voters as expressed by the ballot. His first objection to the suggested amendment to the by-laws was that it restricted and limited the liberty and freedom of the members, not only as candidates for membership on the Council, but also as electors. As between two candidates, the person in whose favour there was the largest record of votes should be elected to the Council. He thought the converse to that was equally true, that is to say, that the greater number of voters was entitled to representation on the Council in preference to the lesser number of voters. If they made the qualifications suggested, the operation of the proposed by-law would probably lead to the disfranchisement of a certain portion of the electorate. The only true principle was to adhere to the method of representation prescribed by their present by-laws, that was, that the persons who got the largest number of votes were to be elected on the Council. The proposed alteration would also introduce complexity and confusion into the election. Furthermore, he objected to the proposed by-law, because it would introduce arbitrary and invidious distinctions between members, and he feared that it would tend to prevent the candidature of the men best fitted to represent them on the Council. The distinctions would foster antagonisms and would set class against class, and they would be returning men not for the common good but as representing sections and classes.

MR. FRY said the position should not be misunderstood. The Council had no close borough. Every individual member of the Council had to stand for re-election at the close of the year, and it lay with the constituents to return any man they desired. It had been said there was a want of sympathy be-

tween the Council and the younger members. Well, at the recent election the senior members headed the poll. That showed that the younger members at any rate did not consider that their interests were neglected or in wrong hands.

MR. P. J. BRADY said it struck him that the Council regarded themselves as on their trial. (No, no.) He only judged by the utterances of the Vice-President and Mr. Fry. As he understood Mr. Robney's motion, there was not the least intention to attack the Council. What he understood Mr. Rooney to suggest was this: that a certain class—he was afraid he was not in it—was not adequately represented on the Council, and that another class—the senior class—was very well represented, and he (Mr. Brady) hoped they would be always well represented. But the junior class was not represented, and he assured them there was a very widespread feeling that that was so. It occurred to him that some good results might be effected if they had a little conference. They might be able to see what could be done to remove the grievances which many members of the Society believed existed.

MR. GORE suggested as a way out of the difficulty, that six members of the Council and six members of the profession of over seven years' standing be appointed a committee, to inquire into the whole matter, and report to next meeting.

MR. GERALD BYRNE said it was suggested that there was not new blood enough on the Council in the last few years. Now he happened to be elected on the Council in the year 1902, and out of the thirty-one ordinary members that were on the Council during the last year, there were eleven new members who were not on it in 1902. That was a great change in the last five years—an average of two new members annually. Everybody had a right to vote for thirty-one members, and the election was in the hands of the members, and not in the hands of the Council. He did not think any alteration was necessary.

THE PRESIDENT said there was really nothing before the meeting to propose an amendment to, but he could assure both Mr. Brady and Mr. Gore that their suggestions would receive every consideration by the Council. Personally he would be glad to confer with Mr. Rooney.

MR. BLOOD said there was absolutely no combination on this question. The members of the Council were all perfectly free to form an independent judgment. He thought it

would be a most unfortunate thing if it got out that they were opposed to reform. So far as he was concerned he approved of reforms, but he did not want to be reformed out of existence (laughter).

MR. GEORHEGAN said that whereas the vast majority of the members of the Society belonged to the junior grade, they returned a majority on the Council belonging to the senior grade. Certainly that was rather a compliment to youth, and it showed that they deliberately chose not those of their own standing, but those who by time and experience had learned what was for the best interests of the profession (hear hear). There was a feeling that the junior members were not sufficiently represented; but he certainly would not like to see them represented to the enormous extent that would take place if Mr. Rooney's proposition were carried. If the outgoing President was made an *ex-officio* member, say for a term of five years, they would have his assistance assured to them for five years at all events. By that means a certain amount of new blood would automatically get into the Council. He thought if any amendment was contemplated it should be of that character rather than the nature proposed.

THE PRESIDENT said he thought they had had a very free discussion, and he was sure the Council would carefully consider all that had been said. If members had any further suggestions to make, they should send them in to the Secretary.

MR. HENRY having been moved to the second chair.

SIR GEORGE ROCHE proposed a warm vote of thanks to the President, not only for presiding at the meeting, but also for his services during his past year of office. Mr. Hayes had devoted almost the entire of his time, energy, tact, and ability to the discharge of the duties of President.

MR. M. J. O'CONNOR seconded the motion, and said there was no truth in the suggestion that any member from the country would not receive the best satisfaction in any matter submitted to the Council. The best test of the President's work during the year was afforded in the fact that he had been returned at the head of the poll.

MR. P. J. BRADY said he desired to associate himself most cordially with what had been said.

The vote of thanks was passed with acclamation.

THE PRESIDENT said He thanked them most sincerely. He had done his best, and he hoped he had pleased them. He was loyally supported by an excellent Council and two most energetic Vice-Presidents, whom he consulted on all possible occasions.

The proceedings terminated.

Meetings of the Council.

THE Council met on Wednesday, the 13th November, the President (Mr. W. S. Hayes) in the chair, and twenty-six other members present.

A further letter was read from a country solicitor in reference to the preparation of forms by clerks of petty sessions on behalf of publicans requiring renewals of licences, and the charge by clerks of petty sessions of a 2s. 6d. fee for the preparation of each form.

It was decided to ask for the views of the Northern Law Society and the Southern Law Association upon the matter, and its further consideration by the Council was adjourned.

A letter was read from a solicitor to a District Council, enclosing a copy of correspondence between the District Council and the Local Government Board, from which it appeared that the Board had refused to sanction the proposal of the District Council to remunerate the solicitor in the matter of a scheme under the Labourers Act, at the rate of £6 per site, for all the legal work in connection with the scheme; and it appeared that the Board had informed the Clerk to the Council that he was bound to discharge the duties referred to in Article 45 of the Labourers Order, 1906. The solicitor stated that the District Council would adhere to the agreement made with him, and would fight the question out with the Local Government Board. A reply was directed to be sent to the solicitor, stating that they were prepared to proceed under 27 Victoria, cap. 8, for recovery of penalties against unqualified persons who, for remuneration, act as conveyancers, in cases where the evidence submitted would, in the opinion of counsel, justify proceedings being instituted.

A letter was read from a solicitor inviting an expression of opinion from the Council upon the action of another solicitor in communicating direct with the client of the solicitor who wrote to the Council, in a matter in which the interests of the clients of the respective solicitors were opposed. The Council decided to

ask the solicitor against whom the complaint was made for an explanation.

A memorial from an apprentice to have his indentures assigned was submitted and sanctioned.

Application by an apprentice for liberty to attend next May Final Examination, his term of apprenticeship expiring in June, but who will not have completed his attendance at Senior Lectures until July next, was granted, owing to the ill-health of the apprentice during the early years of his apprenticeship, and under the special circumstances.

Report from the County Courts Committee, in reference to the application to the Treasury by the Clerk of the Crown and Peace of the County and City of Dublin for an increase to his staff, was considered and adopted; and the following resolution was passed by the Council, and copies of same directed to be sent to His Excellency the Lord Lieutenant, the Lord Chancellor, the Attorney-General for Ireland, the Recorder of Dublin, the Treasury Remembrancer, and the Clerk of the Crown and Peace for the County and City of Dublin:—

“RESOLVED—The Council are of opinion that the Clerk of the Crown and Peace for the County and City of Dublin, considering his staff to be inadequate for the performance of the work of the office, and, having made application for an increase to his staff, such application should receive favourable consideration.

“The Council are further of opinion that it is desirable, in the interests of the public, that the Civil Bill business of so much of the division of Kilmainham as at present is discharged at Kilmainham should, by Order in Council, pursuant to 39 and 40 Victoria, cap. 71, sec. 4, be directed to be discharged at Green Street Courthouse, at the Civil Bill Sessions for the City of Dublin; and that a sitting of such Sessions should be held for every month during the year, except for the month of August; and that sittings of the County Court at Kingstown, Balbriggan, and Swords should continue to be held as heretofore.”

The Council adjourned.

The Council met upon Wednesday, the 27th November, 1907; the President (Mr. William S. Hayes) in the chair, and twenty-four other members were present.

The bye-laws of the Council were adopted.

Regulations for the election of President and two Vice-Presidents of the Society were also adopted.

Letters acknowledging the receipt of resolution of the Council, in reference to the staff in the office of Clerk of the Crown and Peace for the County and City of Dublin, also as to the business at Kilmainham Division being discharged at Green Street, were submitted from the Assistant Under Secretary for Ireland, on behalf of His Excellency the Lord Lieutenant, the Secretary to the Lord Chancellor, the Attorney-General, and from the Treasury Remembrancer.

A letter from a member of the profession complaining of another member of the profession having communicated direct with his client, knowing that he was acting on behalf of such client, was considered by the Council. An explanation having been invited from the solicitor complained of, and he having replied without rendering any explanation, a resolution was passed by the Council, stating that they were of opinion that the action of the solicitor in question was a breach of professional etiquette, and expressing the disapproval of the Council of such action. A copy of the resolution was directed to be sent to each of the solicitors.

A letter was read from a firm of solicitors, enclosing copy of a letter received by them from the Chief Clerk to the Lord Chancellor in reference to an application by them for permission to inspect and take notes from a file in a minor matter in which they acted for one of the parties, in which letter the Chief Clerk suggested that an expression of opinion from the Council might be asked for as to the rule laid down by his predecessor, and which he intended to follow—that the files in minor matters are not of a public nature or open to the inspection of any person without special leave.

The Council directed a letter to be written by the Secretary to the Chief Clerk, expressing the opinion of the Council that it is desirable that the practice laid down by his predecessor, as stated in his letter, should be adhered to, and that it has been the experience of the members of the Council that applications made to inspect the files in minor matters, where reasonable, have always, in the past been granted, and that they are sure such will continue to be the experience of the profession.

Notices from two solicitors (pursuant to Rule V. of the Rules of the Benchers of King's Inns) stating their intention to seek call to the Bar in twelve months' time, were submitted.

Notice of an application by an apprentice, to the Lord Chancellor, for an order dispensing with the affidavit of service of his master, owing to the death of his master subsequent to the expiration of his indentures, and prior to his passing the final examination, was submitted, and it was decided that same should not be opposed.

The Council adjourned.

Council Meetings.

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

January 15th and 29th.

February 12th and 26th.

Committee Meetings.

THE following Committee meetings were held during November:—

Gazette, 8th.

County Courts, 11th.

House, Library, and Finance, 22nd.

Costs, 22nd.

New Members.

THE following have joined the Society during November:—

Bradley, W. Gordon, Dublin.

Giltrap, John H. H., Dublin.

Horan, Hugh, Dublin.

Lloyd, Edwin, Dublin.

McAuliffe, James, Cork.

McLoughlin, James, H., Dublin.

Twigg, Marcus F., Dublin.

White, Gerald E. Grove, Dublin.

Legal Appointments.

THE Lord Lieutenant has appointed Mr. James Stanislaus Gaffney, Solicitor, of 86 George Street, Limerick, to be Crown Solicitor for the County of Limerick and the City thereof, in room of Mr. William Leahy, resigned. Mr. Gaffney was admitted a solicitor in Michaelmas Sittings, 1890, and carries on the business of the late Mr. Patrick S. Connolly, under the title of Messrs. P. S. Connolly & Co.

Mr. Thomas C. Ross, Solicitor, of 60 Upper Sackville Street, Dublin, has been appointed to the office of Registrar of the County Court of County Clare. Mr. Ross, who was admitted a solicitor in Trinity Sittings, 1896, had previously held the same office.

Commissioners for Oaths.

THE Lord Chancellor, during November, 1907, appointed the following to be Commissioners to Administer Oaths:—

Joseph W. Judge, Clerk of Union, Claremorris.

James C. Jones, Clerk of Petty Sessions, Cahir.

Causabon W. Friend, Auctioneer, Parsonstown.

Hugh Kennedy, Clerk of Petty Sessions, Ardara.

Robert S. Baylor, Solicitor, Fermoy.

Joseph Tapley, Solicitor's Assistant and Land Agent, Fermoy.

Samuel Cochrane, Clerk of Petty Sessions, Downpatrick.

Herbert E. Fullerton, Land Agent, Armagh.

John Knox, Clerk of Petty Sessions, Ballymoney.

Sidney Harris, Clerk of Petty Sessions, Frenchpark.

Obituary.

MR. Cecil E. Stanley Ireland, Solicitor, died on the 8th October, 1907, at Ontario, Canada. Mr. Ireland, who served his apprenticeship with Mr. Edward White, 16 Molesworth Street, Dublin, was admitted in Michaelmas Sittings, 1897, practised in Dublin until 1900, in which year he was appointed Assistant Secretary of County Dublin County Council, from which office he retired during the present year.

MR. Robert Kelly, senior, Solicitor, died at Greenisland, County Antrim, on the 30th October, 1907. Mr. Kelly, who served his apprenticeship with the late Mr. James Andrews, Belfast, was admitted in Trinity Term, 1855, and practised in Belfast. He

subsequently took his son, Mr. Robert Kelly, junior, in partnership, and the firm carried on business under the title of Robert Kelly & Son.

Mr. Henry J. Egan, Solicitor, died, at Tullamore, on the 7th November, 1907. Mr. Egan, who served his apprenticeship with Mr. George J. Hoey, of Tullamore, was admitted in Trinity Sittings, 1900, and practised in Tullamore, in partnership with Mr. Thomas Conway, under the title of Egan & Conway.

Mr. Owen Neary, Solicitor, died on the 7th November, 1907, in Dublin. Mr. Neary, who served his apprenticeship with the late Mr. Patrick J. Byrne, of 16, North Frederick Street, Dublin, was admitted in Trinity Term, 1867, and practised in Dublin until 1879, when he retired from practice.

New Solicitors.

ADMISSIONS DURING NOVEMBER, 1907.

Name.	Served apprenticeship to
Brenan, Henry Francis,	Richard A. Macnamara, Dublin.
Buggy, Patrick Robert,	Henry D. Keane, Waterford.
Connolly, Richard,	Laurence J. Ryan, Thurles.
Crozier, George,	Henry J. Harris, Armagh.
Giltrap, John Hy. Henzell,	Charles H. Chaytor, Dublin.
Gowan, Thomas Joseph,	Francis L. Crowley, Dublin, and Chas. H. Monsarrat, Dublin.
Greene, Florence Aloysius,	Roger Greene, Dublin.
Holohan, John Redmond,	John A. Kennedy, Killenaule.
MacTernan, Henry James Joseph,	Philip C. MacDermot, Boyle.
Overend, George Acheson,	Richard T. Tweedy, Dublin.
Skinner, William Joseph,	James G. Skinner, Mitchelstown.
Troy, John Smyth,	Wm. J. Magnier, Fermoy.

The Land Commission.

SITINGS OF THE COURT.

THE following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged:—

Dublin, January 9th, 1908; districts listed, Leinster (part of).
Wexford, January 14th; County Wexford,

Omagh, January 21st; County Tyrone (part of).

Ennis, January 21st; County Clare (part of), Limerick, January 27th; County Limerick and Counties Tipperary and Clare (parts of).

Dublin, January 30th; Leinster (part of).

Dublin, February 6th; Leinster (part of).

Dublin, February 13th; Leinster (part of).

Strabane, February 18th; Counties Donegal and Tyrone (parts of).

Killarney, February 18th; County Kerry and County Cork (part of).

Dublin, February 27th; Leinster (part of).

Belfast, March 3rd; Counties Antrim and Down.

Dublin, March 12th; Leinster (part of).

Clonmel, March 18th; County Tipperary (part of).

Additions to Library during November, 1907.

Gilbert (Lady): Calendar of Ancient Records of Dublin. Vols. 12 and 13. 1905-1907.

Halsbury (The Right Hon. the Earl of): The Laws of England. Vol. 4. 1897.

Jelf (E. A.): Where to find your Law. 3rd ed. 1907.

Revised Reports, The: Vol. 93 (1852-1853). 1907.

Temperley (R.) and H. S. Moore: The Merchant Shipping Acts. 1907.

Solicitors' Benevolent Association.

A MEETING of the Directors was held upon 27th November, at the Four Courts, Mr. William Fry, J.P., in the chair.

The minutes of the last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £2 2s., making the total annual subscriptions received since 1st January last, £486 13s.

The Secretary also reported having received the following donations:—Messrs. James S. Gaffney, £10 10s.; A. C. Cameron, £5 5s.; Trustees of Arnott's Bequest Fund, £1; and life subscriptions of £10 10s. each from Messrs. Philip G. Fry and R. G. Warren.

The Directors then proceeded to consider the various cases for relief, and made grants to two applicants, amounting in all to £25, bringing the amount afforded in relief since the 1st of January up to £570 15s.; and, after transacting some further routine business, the meeting adjourned.

Solicitors' Apprentices' Debating Society.

SESSION 1907-1908.

PROGRAMME FOR HILARY SITTINGS, 1908.

*Meetings held at 8 p.m. in Antient Concert Rooms,
Great Brunswick Street, Dublin.*Monday, Jan. 13th.—Legal Debate — “That the case of *O'Flaherty v. Brown* (1907), 2 I. R. 416, was rightly decided.”

Monday, Jan. 20th.—Debate — “That the Nationalization of Irish Railways would be beneficial.”

Monday, Jan. 27th.—Debate — “That further Legislation is necessary to promote Temperance.”

Monday, Feb. 3rd.—Debate — “That it is desirable that the Jury System should be abolished.”

Monday, Feb. 10th.—Impromptu Speeches.

Monday, Feb. 17.—Legal Debate — “That the case of *Bastable v. Little* (1907), 1 K. B. 59, was rightly decided.”

Apprentices desirous of joining the Society should communicate with the Hon. Secretary, Hugh O'Brien Moran, 32 Lower Ormond Quay, Dublin.

Dates of Examinations.

THE following are the dates of the January, 1908, Examinations:—

January 2nd and 3rd.—Preliminary.

January 6th and 7th.—Final.

Hilary Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Hilary Sittings, 1908:—

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

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

Professor Boyd will deliver lectures to the Junior Class upon Common Law on the following dates in Hilary Sittings, 1908:—

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

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

The lectures to both classes will be delivered at 4 p.m. in the Lecture Theatre of the Society at the Four Courts.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.

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be addressed to Messrs. Foulsham, 12 Nassau
Street, Dublin.

Dates of Examinations
The following are the dates of the January
1908 Examinations:—
January and 3rd—Preliminary.
January 6th and 7th—Final.

The Incorporated Law Society of Ireland

THE GAZETTE

OF THE COMMITTEES ON THE PART OF THE

Incorporated Law Society of Ireland

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

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The Incorporated Law Society of Ireland.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1908.

No. 1. House, Library, and Finance.

F. C. E. BLAND.
A. L. BLOOD.
R. S. REEVES.
J. W. RICHARDS.
H. J. SYNNOTT.

No. 2. Parliamentary.

GERALD BYRNE.
W. H. DUNNE.
M. B. JELLETT.
F. W. MEREDITH.
W. J. SHANNON.

No. 3. Costs.

T. C. FRANKS.
JOSEPH GALLOWAY.
JAMES HENRY.
R. A. MACNAMARA.
C. ST. G. ORPEN.

No. 4. Court and Offices.

F. C. E. BLAND.
A. E. BRADLEY.
R. A. MACNAMARA.
W. V. SEDDALL.
R. G. WARREN.

No. 5. Gazette.

SIR A. F. BAKER.
F. C. E. BLAND.
A. L. BLOOD.
W. S. HAYES.
C. A. STANUELL.

No. 6. County Courts.

THE EXTRA-ORDINARY
MEMBERS.
THE PROVINCIAL DELEGATES
A. E. BRADLEY.
S. ST. L. BURKE.
GERALD BYRNE.
M. J. O'CONNOR.
W. J. SHANNON.

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

COURT OF EXAMINERS FOR 1908.

President:

GEORGE H. LYSTER.

Vice-Presidents:

GEORGE COLLINS.

JAMES A. DENNING.

ALFRED BLAKE.

STEPHEN J. BROWN.

MARTIN J. BURKE.

GERALD BYRNE.

THOMAS C. FRANKS.

JOSEPH GALLOWAY.

M. BARRINGTON JELLETT.

FREDERICK W. MEREDITH.

JOHN W. RICHARDS.

WILLIAM V. SEDDALL.

ROBERT G. WARREN.

EDWARD WHITE.

Special Examiners:

C. H. DENROCHE, B.A., LL.D., R.U.I.

THE REV. J. P. MAHAFFY, S.F.T.C.D.

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

Professors:

THOMAS G. QUIRKE, B.A., LL.D., R.U.I.

W. HERBERT BOYD, B.L.

Secretary:

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I, No. 7.]

January, 1908.

FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

THE Council met upon Wednesday, the 4th December. Mr. William S. Hayes, and subsequently Mr. George H. Lyster, in the Chair, and twenty-seven other members were present.

A letter was read from the Hon. Secretary, Northern Law Society, submitting the names of the following members of that Society to be extra-ordinary members of Council:—Mr. J. W. M'Ninch (President), Messrs. C. W. Black, Martin J. Burke, John D. Coates, and G. B. Wilkins; and a letter was read from the Hon. Secretary, Southern Law Association, submitting the names of the following members of that Association to be extra-ordinary members of Council:—Mr. W. G. Lane (President), Messrs. A. Blake, Frederick Hall, Arthur H. Julian, and Walter Thornhill.

The ten members were declared duly elected as; the ten extra-ordinary members of the Council for year ending 26th November, 1908.

The thanks of the Council were conveyed to Sir George Roche, for his presentation of an engraving of the late Sir Edward Sullivan, Bart., Lord Chancellor of Ireland, to be placed in the Council Chamber.

The Council proceeded to elect a President and two Vice-Presidents of the Society for year ending 26th November, 1908, with the result that Mr. George H. Lyster was elected to the office of President, and Mr. George Collins and Mr. J. A. Denning were elected Vice-Presidents. Mr. Lyster having taken the Chair, a cordial vote of thanks was passed to the outgoing President and Vice-Presidents, for the manner in which they had discharged the duties of their respective offices during the past year.

A letter was read from the Assistant Under Secretary, on behalf of His Excellency the Lord Lieutenant, acknowledging letter, urging the appointment of a solicitor to the office of Resident Magistrate. It was resolved that further steps be taken to secure, if possible, the appointment of solicitors to this office.

A letter was read from Mr. Justice Wylie in reply, stating that he would see that the matter of appointing a solicitor to the office of Examiner in the Land Commission would be duly considered by the Board.

A letter was read from the Chief Clerk to the Lord Chancellor, acknowledging receipt of letter conveying the expression of opinion of the Council as to the practice of inspection of files in minor matters.

A letter was read from a solicitor to a District Council, asking whether the sum of £4 4s. per site would be insufficient for him to charge his District Council for all the work in connection with the Labourers Act Scheme; and a reply was directed to be sent, stating that the Council saw no objection to the solicitor accepting the remuneration named, provided it would be, in his opinion, adequate remuneration for the work contemplated.

Notice of application to the Lord Chancellor under section 25, upon behalf of an apprentice seeking an order for liberty to deliver lectures on the subject of Agricultural Economics, in the College of Science, Dublin, and in the University College, Stephen's Green, Dublin, out of his office hours, was considered; and it was decided not to oppose the application.

It was resolved that the December Number of the Society's Gazette, containing the report of the General meeting, should be sent to the entire profession.

Draft of Regulations as to the use of the Society's premises, prepared by the House

Committee for adoption by the Council under bye-law 43, were considered, and amendments made therein, and, as amended, were adopted.

The Council adjourned for one week.

The Council met upon Wednesday, the 11th December, 1907. The President (Mr. George H. Lyster) in the Chair, and twenty-seven other members present.

Affidavits in support of applications by three solicitors for their first certificates to practise were submitted, and orders made granting same.

A petition of a Law Clerk seeking to be bound under section 16 of the Solicitors (Ireland) Act, 1898, was referred to the Court of Examiners to deal with.

In reference to the recent appointment of two barristers to the office of Examiner of Title in the Irish Land Commission, the following Resolution was passed, and was directed to be sent to the Board of the Irish Land Commission:—

RESOLVED—The Council of the Incorporated Law Society of Ireland observe with regret that in appointing to the recent vacancies in the office of Examiner of Title in the Irish Land Commission, the claims of the solicitors' profession to that office have been entirely ignored, notwithstanding repeated promises that such claims would receive consideration.

The Council observe that the practice of appointing from the Bar, which has been adopted for the past twenty-five years, has been continued in the present instance, notwithstanding the fact that the Board of the Irish Land Commission had before them applications from members of the solicitors' profession, fully qualified and competent to discharge the duties of the office."

A memorandum was received from the Lord Chancellor, appointing seven members of the Council to be the Statutory Committee, under section 34 of the Solicitors (Ireland) Act, for year ending 26th November, 1908.

The Court of Examiners and Committees of the Council for year ending the 26th November, 1908, were nominated.

A Special Committee was appointed to consider and report to the Council what amendments (if any) in the bye-laws of the Society should be submitted to the Society for adoption.

It was referred to the Parliamentary Com-

mittee to consider the clause in the Dublin Corporation Bill, 1908, relative to increasing the jurisdiction of the Court of Conscience.

The Council adjourned until 15th January.

Council Meetings.

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

January 15th and 29th.

February 12th and 26th.

Committee Meetings.

THE following Committee Meetings were held during December:—

Costs, 13th.

Court of Examiners, 13th.

Parliamentary, 20th.

County Courts, 3rd.

Parliamentary, 30th.

Statutory Committee.

THE Lord Chancellor has, pursuant to section 34 of the Solicitors (Ireland) Act, 1898, appointed the following seven members of the Council of the Society to be the Statutory Committee for year ending 26th day of November, 1908:—Sir A. F. Baker, Mr. Fry, Mr. Hayes, Mr. Lynch, Mr. Lyster, Sir George Roche, and Mr. Stanuall.

New Members.

THE following have joined the Society during December:—

Liston, Terence J., Rathkeale.

Overend, George A., Dublin.

Sandes, William H., Gorey.

Commissioner for Oaths.

THE Lord Chancellor, in December, 1907, appointed the following to be a Commissioner to administer oaths:—Samuel C. Johnston, Assistant to Clerk of Peace, Omagh.

Obituary

MR. Arthur E. Vincent, Solicitor, died on the 9th December, 1907, in Dublin. Mr. Vincent, who served his apprenticeship with the late Mr. John Ruckley, of 9 Eustace Street, Dublin, was admitted in Easter Sittings, 1879, and practised at 9 Eustace Street, Dublin, in partnership with Mr. John J. Beatty.

MR. Richard J. Crean, Solicitor, died at his residence, Glenbrook, Clonmel, on the 19th December, 1907. Mr. Crean, who served his apprenticeship with Mr. E. N. Blood, of 53 Dame Street, Dublin, was admitted in Hilary Sittings, 1887, and practised at Clonmel.

Solicitors' Annual Certificates.

MEMBERS are reminded that annual Certificates for year ending 31st January, 1909, should be taken out, and the duties paid thereon, between the 5th day of January and the 6th day of February, 1908.

Calendar of Incorporated Law Society, 1908.

THE Calendar and Law Directory, published by the Society, for 1908, can be obtained in the Secretary's office, price three shillings, or by post three shillings and fourpence.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Neville, J.)

Cheese v. Keen.

November 26th, 1907. — Mortgage — Solicitor's Mortgagee's costs — Mortgages from client — Accounts settled — Profit costs — Overcharges for interest — Reopening accounts — Limitation Act (21 Jac. 1, c. 16).

A SOLICITOR since 1883 financed a client, who was a builder, advancing him money and taking

mortgages upon the land acquired and built upon as security for his advances, with interest and his costs. The client was not represented by any other solicitor. From time to time accounts were submitted to the client, and they were agreed to and signed by him, some of them more than six years before action. In the accounts the solicitor always charged profit costs in respect of the mortgages to himself, but no bills of costs were rendered. There were also certain instances of interest overcharged by error. The solicitor died in 1905. In an action by the executors for foreclosure of two of the mortgages the client counterclaimed to reopen the accounts on the ground of overcharges.

Held, that, considering the relation between the parties and the character of the errors, from which it might be expected that the errors proved in some cases would appear in all, the client was entitled to the relief claimed in respect of all the accounts; that the Statute of Limitations did not apply; and that the client was entitled to have the solicitor's costs charged in such accounts taxed, upon the footing that the solicitor was not entitled to charge profit costs in respect of any mortgage before the Mortgagees' Legal Costs Act, 1895, regard being had in such taxation to any agreement as to costs appearing by such accounts to have been come to between the parties.

Reported in the T.L.R., Vol. xxiv., p. 138.

Allocation of Funds in the Land Commission Scottish Investments.

SOLICITORS having carriage of sales under the Land Purchase Acts, should bear in mind that where the residue of the purchase money consists of Scottish securities, such as railway and other Scottish stocks, and is payable to trustees, the Judicial Commissioner should be requested at the time of allocation to put a direction on the schedule, authorizing the Accountant when preparing the transfer deed of the Scottish security, to add after the names of the trustees, the words "and the survivors and survivor of them." There is no implied survivorship in Scottish law, and unless these words are inserted at the time when the schedule is being ruled, it will be necessary to make a subsequent application to the Judicial Commissioner.

New Solicitors.

ADMISSIONS DURING DECEMBER, 1907.

Name.	Served apprenticeship to
Cullen, Robert Martin,	Edward O'Hagan, Portadown.
Diamond, John Wilfred,	Robert Diamond, 40 Donegall Street, Belfast.
Glenny, Sydney Trevor,	Hunter Moore, Newry.
Proctor, James Claude Beauchamp,	James Edwin Proctor, Limavady.

Partnerships, etc.

MR. Alexander Bell, Mr. Sidney M. Bell, and Mr. E. St. Clair Bell, Solicitors, have entered into partnership, and will practise at 20 Molesworth Street, Dublin, under the style of "Alexander Bell and Sons."

The business carried on by the late Mr. John Ormsby Lindsay, Solicitor, and the late Mr. Charles P. Armstrong, Solicitor, under the style of Armstrong and Lindsay, at 197 Great Brunswick Street, Dublin, has been acquired by Messrs. A. and L. Goodbody, Solicitors, of 30 College Green, Dublin.

The Land Commission.

SITTINGS OF THE COURT.

THE following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged:—

Omagh, January 21st; County Tyrone (part of).

Ennis, January 21st; County Clare (part of).

Limerick, January 27th; County Limerick and Counties Tipperary and Clare (parts of).

Dublin, January 30th; Leinster (part of).

Dublin, February 6th; Leinster (part of).

Dublin, February 13th; Leinster (part of).

Strabane, February 18th; Counties Donegal and Tyrone (parts of).

Killarney, February 18th; County Kerry and County Cork (part of).

Dublin, February 27th; Leinster (part of).

Belfast, March 3rd; Counties Antrim and Down.

Dublin, March 12th; Leinster (part of).

Clonmel, March 18th; County Tipperary (part of).

Additions to Library during December, 1907.

Annual County Courts Practice, 1908. Edited by W. C. Smyly, K.C., and W. J. Brooks, B.L. 2 vols. 8vo. London, 1907.

Encyclopædia of the Laws of England, with forms and precedents. Vol. vii. ("Ice" to "Landlord and Tenant.") 8vo. London, 1907.

Hazell's Annual for 1908. 8vo. London, 1907.

Land Purchase Acts. Rules dated November 4th, 1907.

Parish Register Society of Dublin. Vol. iii. The Registers of St. Michan, Dublin. 1636-1685. Edited by Henry F. Berry. 8vo. Dublin, 1907.

Whitaker's Almanac for 1908. 8vo. London, 1907.

Workmen's Compensation Act, 1906. County Court, Ireland, Rules and Forms. 8vo. Dublin, 1907.

Solicitors' Benevolent Association.

A MEETING of the Directors was held upon December 3rd at the Four Courts, Mr. W. Fry, J.P., in the chair, and fifteen other members attended.

The minutes of the last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £77s. 0d., making the total annual subscriptions received since 1st January last £494 11s.

The Directors then proceeded to consider the various cases for relief, and made grants to twelve applicants, amounting in all to £92 10s., bringing the amount afforded in relief since the 1st of January up to £663 5s. 0d.; and, after transacting some further routine business, the meeting adjourned.

A further meeting of the Directors was held upon December 10th at the Four Courts, Mr. W. Fry, J.P., in the chair, and fourteen other members attended.

The minutes of the last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £4 4s., making the total annual subscriptions received since 1st January last £498 15s. The Secretary also reported having received the following donations:—£26 5s. from Mr. G. H. Lyster, the President of the Incorporated Law Society; £10 10s. each from Mr. Michael

Buggy, Mr. George Collins, and Mr. James A. Denning, Vice-Presidents Incorporated Law Society.

The Directors then proceeded to consider the various cases for relief, and made grants to two applicants, amounting in all to £20, bringing the amount afforded in relief since the 1st of January up to £683 5s.; and, after transacting some further routine business, the meeting adjourned.

The annual General Meeting of the Solicitors' Benevolent Association will be held in the hall of the Incorporated Law Society, Solicitors' Buildings, Four Courts, upon Friday, the 24th January, 1908, at 2 o'clock p.m.

Meetings of the Directors of the Solicitors' Benevolent Association will be held upon the following dates:—

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

Solicitors' Apprentices' Debating Society.

SESSION 1907-1908.

PROGRAMME FOR HILARY SITTINGS, 1908.

Meetings held at 8 p.m. in Antient Concert Rooms, Great Brunswick Street, Dublin.

Monday, Jan. 13th.—Legal Debate—“That the case of *O'Flaherty v. Brown* (1907), 2 I. R. 416, was rightly decided.”

Monday, Jan. 20th.—Debate—“That the Nationalization of Irish Railways would be beneficial.”

Monday, Jan. 27th.—Debate—“That further Legislation is necessary to promote Temperance.”

Monday, Feb. 3rd.—Debate—“That it is desirable that the Jury System should be abolished.”

Monday, Feb. 10th.—Impromptu Speeches.

Monday, Feb. 17.—Legal Debate—“That the case of *Basstable v. Little* (1907), 1 K. B. 59, was rightly decided.”

Apprentices desirous of joining the Society should communicate with the Hon. Secretary, Hugh O'Brien Moran, 32 Lower Ormond Quay, Dublin.

Hilary Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing, on the following dates in Hilary Sittings, 1908:—

January 14th, 17th, 21st, 24th, 28th, 31st.
February 4th, 7th, 11th, 14th, 18th, 21st.

Professor Boyd will deliver lectures to the Junior Class upon Common Law on the following dates in Hilary Sittings, 1908:—

January 13th, 16th, 20th, 23rd, 27th, 30th.
February 3rd, 6th, 10th, 13th, 17th, 20th.

The lectures to both classes will be delivered at 4 p.m. in the Lecture Theatre of the Society at the Four Courts.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.

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WITH

Annotated Forms of Memorandum and Articles of Association and other Documents, and Observations on the relevant Provisions of the Companies Act, 1907.

BY

CECIL W. TURNER,

OF LINCOLN'S INN, BARRISTER AT LAW.

LONDON:

THE SOLICITORS' LAW STATIONERY SOCIETY, LIMITED,

22, CHANCERY LANE, W.C.

The GAZETTE will accept advertisements for
 and notices of public meetings on more
 other than the general notice of public
 meetings which is required to be given
 in the case of public meetings held in
 connection with the business of a
 company or the management of its
 affairs.

PROGRAMME FOR THE YEAR 1908
 The following is a list of the
 subjects which will be dealt with
 during the year 1908. The
 subjects are:—
 1. The Companies Act, 1907.
 2. The Companies Act, 1900.
 3. The Companies Act, 1862.
 4. The Companies Act, 1844.
 5. The Companies Act, 1825.
 6. The Companies Act, 1800.
 7. The Companies Act, 1793.
 8. The Companies Act, 1706.
 9. The Companies Act, 1688.
 10. The Companies Act, 1673.
 11. The Companies Act, 1662.
 12. The Companies Act, 1651.
 13. The Companies Act, 1640.
 14. The Companies Act, 1629.
 15. The Companies Act, 1608.
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THE GAZETTE

OF THE

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SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

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A TREATISE ON THE LAW OF THE SHERIFFS OF IRELAND
BY
JAMES GIBSON, ESQ., BARRISTER AT LAW

Incorporated into the Society of Ireland
Solicitors, Buildings, Four Courts, Dublin.

Printed by J. G. & J. W. Gifford, 11, St. Andrew's Street, Dublin.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I, No. 8.]

February, 1908.

FOR CIRCULATION AMONGST MEMBERS.

Meetings of the Council.

The Council met upon Wednesday, January 15th, the President (Mr. G. H. Lyster) in the Chair, and twenty-four other members present.

A letter in reply was read from the Secretary of the Irish Land Commission, stating he was directed to acknowledge the receipt of the resolution of the Council of, 11th December, relative to the non-appointment of solicitors to the office of Examiner of Titles, "and to state that the names of all the candidates, including solicitors, were submitted to the Board of the Land Commission, and they selected, from a large number, the candidates whom they thought most qualified for the post."

A letter in reply was read from the Hon. Secretary, Southern Law Association, stating that at the annual meeting of the Association the following resolution was adopted, in reference to the question submitted from the Council as to the practice of Clerks of Petty Sessions receiving a fee of half a crown from publicans for filling up certain forms each year under the Licensing Acts: "That this Association does not consider that any alteration in the present system is advisable."

A letter was read from the Bar Council enclosing resolution of that Council, as to the amount of the fees which should be paid to counsel upon titles in Land Purchase matters in order to obtain the certificate of counsel under the Estates Commissioners' rules of 4th November, 1907. It was resolved to ask Mr. Justice Wylie to receive a deputation from the Council to discuss the question of counsel's Certificate under those rules.

A letter was read from the Clerk of the Crown and Peace for Dublin, enclosing draft Civil Bill Courts (Dublin) Bill, proposed to be introduced in the coming Session of Par-

liament. A Report from the County Courts Committee upon this draft Bill was submitted and adopted. It was resolved that, subject to the insertion in the draft Bill of the amendments submitted by the County Courts Committee, the Council would be prepared to support the passing of the Bill into law; and that the Clerk of the Crown and Peace be so informed.

A Resolution from the Kingstown Urban Council, expressing disapproval at any attempt to abolish the sitting of the Recorder's Court in Kingstown, was submitted; and a reply was directed to be sent, stating that the Council fully concurred in the views expressed in the Resolution.

Regulations, dated 20th December, 1907, altering the prevailing practice as to the priority of costs in sales of mortgaged property in Bankruptcy, and also regulations of same date, altering the practice as to costs of adjournments in Bankruptcy matters, were referred to a Special Committee, to take immediate action in reference to same.

A Report from the Parliamentary Committee upon Clause 87 of the Dublin Corporation (various powers) Bill, 1908, was submitted and adopted. Under the clause mentioned it is proposed that the jurisdiction of the Dublin Court of Conscience be increased for the recovery of debts from its present limit of £2 up to £5 in amount, and that the Court shall have power to award costs on the scale in force in the Recorder's Court. The Report of the Committee set forth objections to the clause, both on public and professional grounds. It was resolved to communicate with the Law Agent to the Dublin Corporation with a view of laying before the Committee of the Corporation in charge of the Bill the objections of the Council to the clause.

Memorials from two apprentices for assignments of their Indentures were submitted and sanctioned.

Affidavits of four Solicitors in support of applications for their first certificates were submitted, and the applications were granted.

The Council adjourned.

The Council met upon Wednesday, the 29th January.

The President (Mr. George H. Lyster) in the Chair, and twenty-one other members present.

A letter was read from the Galway Sessions Bar, enclosing resolution of that Bar, urging the appointment of a solicitor to the office of Resident Magistrate, and asking the Council to urge the claims of the profession upon the Government. The following resolution was adopted, and copies were directed to be sent to the Government:—

"The Council of the Incorporated Law Society of Ireland, understanding that there is a vacancy in the office of Resident Magistrate, and as suitable members of the solicitors' profession are candidates for the office, respectfully urge the claims of the profession to such appointment upon the Government."

Affidavits were submitted in support of applications from six solicitors for renewals of their annual certificates. Orders were made granting four of these applications, and two were postponed for further consideration.

A report from the Court of Examiners, giving results of the January Preliminary and Final Examinations, was submitted and adopted; and a further report from the Court of Examiners, recommending the Council to grant an application by a law clerk for liberty to be bound under section 16 of the Solicitors (Ireland) Act, 1898, was adopted.

A letter was read from Mr. Justice Wylie, referring to a new regulation, whereby vendors' solicitors can get over the difficulty created by their having entered in their schedules of documents of title more documents than were required to prove *prima facie* title, and expressing a hope that this regulation would meet the views of the Council. It was thereupon decided that it was not necessary, at present, for the intended deputation to interview the Judge.

A Report from the County Courts Committee in reference to the Civil Bill Courts (Dublin) Bill, to be introduced in the coming Session, was submitted and adopted.

A Report from the Costs Committee was submitted and adopted.

A Report from the Parliamentary Committee relative to the clause in the Dublin Corporation (various powers) Bill, 1908, which proposed to increase the jurisdiction of the Dublin Court of Conscience, was submitted and adopted; and it was resolved that a petition against that clause of the Bill be sealed and lodged.

The Council adjourned until the 12th prox.

Council Meetings.

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

February 12th and 26th.

March 11th and 25th.

Committee Meetings.

THE following Committee Meetings were held during January:—

County Courts, 10th.

Gazette, 13th.

Land Act, 13th.

Parliamentary, 17th.

Costs, 17th.

Land Act, 22nd.

County Courts, 23rd.

Court of Examiners, 27th.

New Members.

THE following have joined the Society during January:—

Brown, J. Barry, Dublin and Naas.

Lyons, Frederick J., Dublin.

Read, William, Dublin.

Roche, James, Omagh.

Ross, Samuel, Belfast.

Commissioners for Oaths.

THE Lord Chancellor, in January, 1908, appointed the following to be commissioners to administer oaths:—

Patrick Connell, Clerk of Urban District Council, Kells.

Edward Donoghue, Clerk of Petty Sessions, Mountbellaw.
 Edward Gallagher, Merchant, Strabane.
 Robert C. Lendrum, Clerk of Petty Sessions, Clonakilty.
 Robt. Partridge, Commercial Clerk, Ballagh-adereen.
 Herbert T. Radcliffe, Clerk of Petty Sessions, Kells.
 John Torish, Sub-Sanitary Officer and Registration Agent, Strabane.

Legal Appointments.

Mr. J. Russell Stritch, Solicitor, Dublin, has been appointed by the Town Clerk of Dublin to be one of the Registrars of the Dublin Court for the Revision of Lists of Voters.

Obituary.

Mr. James W. Slacke, Solicitor, died on the 25th January, 1908, at his residence, Annadale, Drumcong, Carrick-on-Shannon. Mr. Slacke, who served his apprenticeship with the late Mr. Aquila M. Mahon, of 31, College Green, Dublin, was admitted in Easter Sittings, 1889, and practised at Carrick-on-Shannon.

Mr. Thomas Coulter Dickie, Solicitor, died at his residence, Clonavon, Omagh, on the 28th January, 1908. Mr. Dickie was admitted in Michaelmas Sittings, 1861, and practised at Omagh in partnership with Mr. Robert H. Carson under the style of Dickie & Carson. He filled the office of Sessional Crown Solicitor for County Tyrone for many years, and he was also local Registrar of Titles for the County Tyrone; the former office he resigned in 1905, and his partner, Mr. Carson, was appointed to succeed him.

Calendar of Incorporated Law Society, 1908.

THE Calendar and Law Directory, published by the Society, for 1908, can be obtained in the Secretary's office, price three shillings, or by post three shillings and four pence.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL (IRELAND).

(Before Sir S. Walker, Bart., L.C.; FitzGibbon and Holmes, L.JJ.)

Mulholland and others v. M. Parland and another.

January 14, 1908.—Costs—Medical evidence—Special reports—Direction of proofs by senior counsel.

Fees paid to medical gentlemen, not as expert witnesses, but for consultation and special reports had and made by them as to the general mental condition of a patient while under their observation, will not be allowed as part of the costs of an action, even where such consultation and special reports have been had and made in accordance with the advice of senior counsel when directing proofs.

APPEAL by the plaintiffs from an order of Andrews, J., dated November 25, 1907, refusing the plaintiffs' application to review the taxation of the plaintiffs' costs, and to allow to the plaintiffs, as part of their costs in the action, certain items appealed from. The action was brought to establish the last will and testament of Terence M. Parland, deceased, of Newry. The testamentary capacity of the testator was impeached on the ground of insane delusions on the part of the testator as to his wife's chastity. The trial of the action took place in Dublin, before Mr. Justice Madden and a special jury, on November 28, 1906, and the following days, and resulted in the jury finding against the will. The costs having gone to taxation, objection was taken by the plaintiffs to the rulings of the Taxing Master (Master Goff) as to the following items:—“Item 78—Attending on Dr. Burke Savage and Surgeon Kennedy, arranging as to report as to operation upon, and death of, deceased, 6s. 8d. Item 80—Paid fee to Dr. Burke Savage for consultation and report, £4 1/4s. Item 81—Like fee to Surgeon Kennedy, £4 1/4s. Item 216—John Kean, M.D.; Newry, six days' attendance, including substitute's fee; at £5 5s., £31 10s.” The Taxing Master refused to allow anything in respect of items 78, 80, and 81; but in respect of item 216 he allowed a sum of £3 3s. a day for three days. Andrews, J., having refused the plaintiffs' application for a review, the

present appeal was brought; but the only items in respect of which the plaintiffs persevered in the appeal were items 80 and 81—viz., the fees of £4 4s. each paid to Dr. Burke Savage and Surgeon Kennedy. These gentlemen had attended the deceased when he came up to Dublin to undergo an operation, shortly before his death, and prior to the making of his will. They had been summoned as witnesses under the direction of senior counsel; and the two items of £4 4s. were expressed to be for consultation and reports on the mental condition of the testator, prior to the date of the making of the will. The bill of costs furnished by the plaintiffs' solicitors contained the following statement:—"When it became known that the defendant's case was grounded on the allegation of deceased's insanity, the executors were entirely at a loss to understand what particular form of insanity (if any) was alleged. The correspondence between the solicitors on both sides with reference to the case did not touch upon the matter. Consequently the solicitors for the plaintiffs were driven to prepare to rebut at the trial any allegations that could possibly be made as to the deceased's insanity. Had the executors known that the defendant was going to make the case that deceased was suffering from a particular form of mania, the working up of the plaintiffs' case would have been more simple." The Taxing Master, in the exercise of his discretion, disallowed the two items on the ground that the special reports were unnecessary, and did not appear to have been of any benefit in the case. The Court unanimously dismissed the appeal on the ground that there was no good reason for interfering with the order made by Andrews, J., and by consent measured the costs of the appeal at £10 10s.

Reported in I.L.T.R., Vol. XLII., page 2.

Labourers (Ireland) Act, 1906.

AN application was made upon the 22nd of January to His Honor Judge Barry, sitting at Bray, in some cases heard by him at Naas, in which he had granted petitions against Rural District Councils, and had directed schemes to be amended by striking out certain lands proposed to be acquired for the purposes of the Labourers (Ireland) Act, 1906, that the costs of the petitioners, which he had directed to be paid by the Rural District Councils, should be taxed under the higher

scale relating to equity proceedings under the County Courts (Ireland) Orders. Rule 15 of the Provisional County Court Rules of 24th November, 1906, regulating procedure in the County Court under the Labourers (Ireland) Act, 1906, is as follows:—"The costs payable under any order of a County Court Judge shall, if not otherwise prescribed under these rules, be in all cases in his discretion; but, in fixing the amount, regard shall be had, so far as practicable, to the amount of costs which may be awarded in analogous cases in the equity jurisdiction of the County Court Judges. All costs which are taxed shall be taxed under the Rules and Schedule of Fees relating to equity proceedings under the County Courts (Ireland) Orders. Where no fees are thereby provided for any work done under these Rules the fees thereby fixed for analogous work shall be applicable."

Judge Barry directed that the costs of the petitioners should be taxed under the higher scale of the Schedule of Fees relating to equity proceedings under the County Courts (Ireland) Orders.

Irish Land Act, 1903.

THE following Memorandum for counsel with reference to the investigation of title by them for the purposes of section 17 of the Irish Land Act, 1903, and the giving of Certificates on the Form T to the Rules of the Estates Commissioners dated the 4th November, 1907, has been approved of by the Hon. Mr. Justice Wylie:—

The object of a counsel's certificate is to satisfy the Estates Commissioners that the vendor is a person having power to sell under the Land Purchase Acts the lands set forth in the 1st Schedule to the originating application or request, and thus enable them, subject to their rules, without any further investigation of title, to deal with vendors as the owners of their estates for all purposes other than the distribution of the purchase-money or the payment of any percentage out of the Land Purchase Aid Fund.

Counsel is not concerned with the actual form of agreement which may have been entered into between a vendor and his tenants, or the agreement which may be in contemplation between a vendor and the Estates Commissioners.

The vendor may, however, be a person having power to sell the lands under the Land Purchase Acts, and yet may not be the owner of the mineral, sporting, or water rights, which may form the subject-matter of an exception or reservation to a superior landlord under a fee-farm grant or lease, or may have been expressly granted or leased by the vendor or his predecessor in title. If any such rights are disclosed in investigation of *prima facie* title, counsel should see that they are accurately stated, either in his certificate or in the originating application or request.

The originating application or request may be taken by counsel as the basis of his investigation of title for the purposes of showing the lands which are proposed to be sold.

Counsel, unless requested not to do so by the solicitor, should, as far as can conveniently be done, having regard to the nature of the title, read the title to all the lands mentioned in the 1st Schedule to such originating application or request, even though it may appear that the vendor proposes to exclude part of the lands from the sale, as it frequently happens that lands which at first it is proposed to exclude are subsequently included.

In considering the extent of the investigation of title which should be made for the purpose aforesaid in particular cases, counsel should have regard to the 17th section of the Act. It should also be borne in mind, in considering this question, that counsel's investigation is intended to be confined to the title to the land as distinguished from the title to the incumbrances or superior interests, and it is not intended as a substitute for the subsequent investigation which will be made in due course by an examiner of the Land Commission before the purchase-money of the estate can be distributed. Counsel is also referred to the directions published at the end of the 2nd Schedule to the forms A and B in the Commissioners' rules.

Counsel should satisfy himself as to the identity of the lands included in the originating application or request, and shown on the maps lodged with the Commissioners, with those to which the title is shown. The manner in which this identification is to be established is, of course, a matter to be determined in each case. The following observations are intended to illustrate the more usual methods adopted. Identity can be shown by a comparison of the maps on the deeds or old estate maps with those lodged with the Commissioners, or by the production of old leases or rentals, or even by

the affidavit of the vendor or his agent, or a person resident on the lands, provided the deponent can depose from personal knowledge.

In the absence of any circumstance which would cast doubt on the assumption, counsel is entitled to assume that whole townlands so described in deeds are co-extensive with the present ordnance survey townlands of identical or similar names. He should, however, have regard to material differences in areas where the area is given in the deed.

Counsel should have before him the originals of the deeds and other muniments of title where such are available. If counsel is provided with copies only of such deeds, he should at least see that the originals are forthcoming, or their absence accounted for. When the deeds are not in the possession of the vendor, application should be made by the solicitor under Rule 19.

Where it appears from a perusal of any of the documents necessary for the purpose of giving *prima facie* title to the land that persons other than those mentioned in the originating application or request are interested in the estate, counsel should state the names of such persons in order that they may be served with a notice on Form E pursuant to Rule 20.

It is not the duty of counsel to verify statements in the originating application or request as to the persons now entitled to incumbrances, sporting rights, mineral rights, and water rights, or superior interests.

Counsel is not bound to consider claims for succession, estate, or legacy duties in connexion with *prima facie* evidence of title.

Counsel should accept the allegation in the originating application or request in reference to quit or crown rent, tithe, rent-charge, and Board of Works charges, unless they are inconsistent with the title as shown.

If it appears that the vendor's estate is subject to a fee-farm grant or lease which, if still in existence, would be sufficient to constitute the owner thereof a person having power to sell under the Land Purchase Acts, counsel should be satisfied either that such grant or lease is fully disclosed in the schedule of occupying tenants referred to in the originating application or request, or that the interest of the grantee or lessee has become vested in the vendor or has determined.

Where the vendor holds under a fee-farm grant or lease for the purpose of *prima facie* title, it is not necessary to make any requisition as to the existence of any superior grant or lease.

Where counsel is of opinion that any of the

matters hereinbefore referred to have not been properly or sufficiently dealt with in the originating application or request before him, he should, as a general rule, if such originating application or request has not been lodged with the Estates Commissioners, cause it to be amended before lodgment; but if such originating application or request has been lodged, he should state the matters referred to in his certificate.

ESTATES COMMISSIONERS' OFFICE,
DUBLIN, January, 1908.

Evicted Tenants (Ireland) Act, 1907:

THE following Rules of the Supreme Court, dated the 24th day of January, 1908, have been made regulating the procedure for Appeals under section 2, sub-sections (11) and (12), of the Evicted Tenants (Ireland) Act, 1907:

(82.) The rota for appeals for each year shall consist of three Judges of the King's Bench Division of the High Court. They shall serve from the 1st January to the 31st December.

(83.) All the Judges of the King's Bench Division shall be liable to serve. They shall serve successively on the rota according to seniority of appointment, until each Judge has served on the rota once—and so on from time to time the same principle of rotation shall be followed.

(84.) In the absence of arrangement between the Judges any temporary vacancy from illness or inability on the part of a Judge to act on the ordinary rota of three for the particular year shall be filled by the senior Judge on the rota for the following year, without prejudice, however, to his obligation to serve on the rota for such following year. In the event of a permanent vacancy from death, resignation, or other cause, of such first-mentioned Judge, such next senior Judge shall be transferred from the rota of the following year, and shall take the place of the Judge causing such vacancy, as if he had been originally one of the Judges on the rota for the year in which such vacancy took place.

(85.) If the hearing of any appeal or matter relating thereto shall be pending before a Judge, and not concluded when his rota period shall have concluded, such Judge may proceed with, and dispose of, such pending appeal or matter.

(86.) All appeals to the Judge of Assize or to a Judge on the rota shall be by notice, signed by the appellant or his solicitor. Such

notice shall state whether the whole or only part of the determination is appealed from, and, if only part, what part; and it shall also specify the grounds of appeal. The time within which an appeal shall be brought shall be fourteen days from the date of such determination.

(87.) Every notice of appeal shall be served on the Registrar of the Estates Commissioners at the office of such Commissioners. Such notice shall be a fourteen days' notice. A copy of the notice of appeal shall, within seven days from service, on such Registrar, as aforesaid, be lodged with the proper officer, and, on proof of such service, as aforesaid, by affidavit, such officer shall enter the appeal for hearing before the Judge.

(88.) An office copy of the determination shall be produced by the appellant before the appeal is opened before the Judge.

(89.) The evidence upon the hearing of an appeal shall be given *viva voce*, unless otherwise allowed by the Judge.

(90.) The Judges on the rota for the time being shall arrange between themselves for the distribution of appeals.

(91.) All notices, affidavits, or other documents, to be used in any proceeding under these Rules, shall be headed in the King's Bench Division of the High Court, and all such affidavits shall be filed in the proper office of that Division.

(92.) In the absence of consent, the notice of application for consolidation and transfer, or consolidation, or transfer of appeals, shall be a four clear days' notice, and, in the case of an appellant's application, shall be served on the Registrar of the Estates Commissioners in the same manner as is hereinbefore provided with respect to notices of appeal, and shall be supported by affidavit. If the Estates Commissioners be the applicants, the notice shall be served on the appellant or appellants, either personally or by registered letter, or, in case he or they appear by solicitor, on such solicitor. Copies of the notice of motion and affidavit or affidavits in support of the application shall be lodged with the proper officer within two clear days from the service of such notice. On proof of such service, as aforesaid, by affidavit, such officer shall list the motion for hearing before the Judge. Affidavits to oppose any such application as aforesaid may be filed, and copies thereof shall be forthwith served on the opposite party in manner hereinbefore provided for service of the notice of application.

Results of Society's Examinations.

At the Preliminary Examination, held upon 2nd and 3rd January, the following passed the examination, and their names are arranged in order of merit:—

1. John P. Quin.
2. Henry C. G. M'Cormick.
3. William C. M. Corrigan.

Thomas J. Greene and Peter O'Connor passed the Modified Preliminary Examination for which they had liberty to present themselves.

Eight candidates attended the examination. Five passed; three were postponed.

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

1. James C. Parke, B.A., LL.B., T.C.D.
2. James Geoghegan.
3. Patrick Magrath.
4. Charles H. Lendrum.
5. Edmund Alister, B.A., R.U.I.

The Court of Examiners have awarded a Silver Medal to James C. Parke.

Twenty candidates attended the examination. Five passed; fifteen were postponed.

March Intermediate Examination.

THE Intermediate Examination will be held upon Monday, 2nd March. Notices to be lodged on or before 15th February.

New Solicitors.

ADMISSIONS DURING JANUARY, 1908.

<i>Name.</i>	<i>Served apprenticeship to</i>
Card, James Sterling,	Samuel Fryar, Banbridge.
Dundon, William P.,	John Dundon, Limerick.
Hannigan, John,	Daniel G. O'Reardon, Dublin, and John E. Cullen, Dublin.
Franck, Herbert William,	William B. Hardman, Dublin.
Lane, William Aubrey,	William M. Lane, Dublin.
Lemass, Henry,	Henry Bonass, Dublin, and Ignatius J. Rice, Dublin.
M'Cleery, James Caughey,	Sir Charles H. Brett, Belfast.

<i>Name.</i>	<i>Served apprenticeship to</i>
M'Guckin, Harold,	Robert M'Guckin, Magherafelt.
Pringle, Oliver Arthur,	James A. Pringle, Enniskillen.
Shannon, Henry,	Richard F. Barry, Birr.
Vance, Thomas,	Jas. Rountree, Monaghan.

Dates of Spring Assizes, 1908.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, on Monday, March 2nd, at 11.30.

Co. Louth.—At Dundalk, on Thursday, 5th March, at 11.30.

Co. Monaghan.—At Monaghan, on Monday, March 9th, at 2.

Co. Armagh.—At Armagh, on Thursday, 12th March, at 11.

County Down.—At Downpatrick, on Monday, March 16th, at 11.

Co. Antrim.—At Belfast, on Thursday, March 19th, at 12.

County of the City of Belfast.—At Belfast, on Saturday, March 21st, at 10.30.

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

Registrars.—Francis Kennedy, Lissadell, Stillorgan Park, Dublin; and Vesey C. Nash, 42 Grand Parade, Cork.

NOTE.—County Antrim Appeals will be taken up in the City Court immediately after the opening of the County Commission.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, Saturday, February 29th, at 11.

Co. Longford.—At Longford, Monday, March 2nd, at 11.

Co. Cavan.—At Cavan, Wednesday March 4th, at 11.

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

Co. Tyrone.—At Omagh, Monday, March 9th, at 11.

Co. Donegal.—At Lifford, Saturday, March 14th, at 11.

Co. of Londonderry.—At Londonderry, Wednesday, March 18th, at 11.

City of Londonderry.—At Londonderry, Thursday, March 19th, at 10.30.

Judges.—The Right Hon. Lord Justice Holmes and the Right Hon. Mr. Justice Gibson.

Registrars.—Valentine Holmes, Esq., 3 Fitzwilliam Place, Dublin; the Hon. E. Gibson, Clonlea, Sandycroft, County Dublin.

CONNAUGHT CIRCUIT.

King's County.—At Tullamore, Monday, March 2nd, at 11.30.

Co. Leitrim.—At Carrick-on-Shannon, Wednesday, March 4th, at 2.

Co. Sligo.—At Sligo, Saturday, March 7th, at 12.

Co. Roscommon.—At Roscommon, Thursday, March 12th, at 12.

Co. Mayo.—At Castlebar, Monday, March 16th, at 2.

Co. Galway.—At Galway, Friday, March 20th, at 12.

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

Registrars.—T. W. Wright, Esq., 65 Dame Street, Dublin; and Huston Dodd, Esq., 26 Fitzwilliam Square, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, on February 29th, at 12.30.

Co. Wexford.—At Wexford, Monday, March 2nd, at 3.30.

Co. Waterford.—At Waterford, Wednesday, March 4th, at 12.

County of the City of Waterford.—At Waterford, Wednesday, March 4th, at 12.

Co. Tipperary (South Riding).—At Clonmel, Saturday, March 7th, at 12.

Co. Tipperary (North Riding).—At Nenagh, Tuesday, March 10th, at 11.

Queen's County.—At Maryboro', Thursday, March 12th, at 11.

Co. Kilkenny.—At Kilkenny, Friday, March 13th, at 1.

Co. Carlow.—At Carlow, Monday, March 16th, at 12.30.

Co. Kildare.—At Naas, Tuesday, March 17th, at 11.

Judges.—The Right Hon. Mr. Justice Madden and the Right Hon. Mr. Justice Kenny.

Registrars.—William H. Atkinson, Esq., Nutley, Booterstown, Co. Dublin; and E. H. Kenny, Esq., Marlfield, Cabinteely, Co. Dublin.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Tuesday, March 3rd, at 11.30.

Co. Limerick.—At Limerick, Saturday, March 7th, at 11.

City of Limerick.—At Limerick, Saturday, March 7th, at 11.

Co. Kerry.—At Tralee, Thursday, March 12th, at 2.

Co. Cork.—At Cork, Friday, March 20th, at 11.

City of Cork.—At Cork, Monday, March 23rd, at 11.

Judges.—The Right Hon. the Lord Chief Justice (Lord O'Brien) and the Right Hon. Mr. Justice Andrews.

Registrars.—T. W. Butler Kearney, Esq., 1 Upper Hatch Street, Dublin, and James T. Andrews, Esq., 1 Waterloo Road, Dublin.

The Land Commission.

SITTINGS OF THE COURT.

The following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged:—

Dublin, February 13th; Leinster (part of).
Strabane, February 18th; Counties Donegal and Tyrone (parts of).

Killarney, February 18th; County Kerry and County Cork (part of).

Dublin, February 27th; Leinster (part of).
Belfast, March 3rd; Counties Antrim and Down.

Dublin, March 12th; Leinster (part of).
Clonmel, March 18th; County Tipperary (part of).

Solicitors' Benevolent Association.

THE Annual General Meeting of the Association was held in the Hall of the Incorporated Law Society, Four Courts, upon the 24th January. Mr. William Fry presided. The annual report of the Directors was adopted. The Committee of Directors for 1908 were appointed, and also the auditors of accounts.

A meeting of the Directors was held upon 15th January. Mr. William Fry in the chair.

The minutes of last meeting having been read and confirmed, the Secretary reported having received £228 18s. in annual subscriptions since 1st January.

The Secretary also reported having received the following donations—£10 10s. each from Sir Benjamin Whitney and Mr. W. J. Shannon, and a life subscription of £10 10s. from Mr. Andrew G. Sloan, Portadown.

The Directors then proceeded to consider the various cases for relief, and made grants to four applicants, amounting in all to £52 10s., bringing the amount afforded in relief since 1st of January up to £85; and after transacting some further routine business the meeting adjourned.

A meeting of the Directors was held upon 29th January. Mr. William Fry in the Chair.

The minutes of last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £65 2s., making the total annual subscriptions received since 1st January last £294. The Secretary also reported having received a donation of £5 5s. from Sir Augustine Baker. The Directors then proceeded to consider the various cases for relief, and made grants to three applicants, amounting in all to £30, bringing the amount afforded in relief since the 1st January up to £115. Applications from candidates for vacant annuity of £15 were submitted, and it was decided that their names be placed on the voting paper; and after transacting some further routine business, the meeting adjourned.

Meetings of the Directors of the Solicitors' Benevolent Association will be held upon the following dates:—

February 26th.

April 15th.

Irish Law Clerks' Mutual Benefit Society.

THE Annual Meeting of the above Society was held in the Lecture Theatre, Solicitors' Buildings, Four Courts, upon the 6th January. Mr. George H. Lyster, President of the Incorporated Law Society, presided. The Report of the Committee, and statement of accounts for year ending 12th December, 1907, were submitted and adopted. The Committee and auditors for 1908 were appointed. The Report states that there are now 230 members, and that the Society has £912 8s. 1d. invested in the names of the Trustees, and a cash balance of £158 0s. 3d., making in all a balance of £1070 8s. 11d. to the credit of the Society. The Report further states that the Register of situations is working satisfactorily.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones: 2607 (2 lines).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. I, No. 9.]

March, 1908.

[FOR CIRCULATION
AMONGST MEMBERS.]

Meetings of the Council.

THE Council met upon Wednesday, the 12th February. The President (Mr. G. H. Lyster) in the Chair, and twenty-two other members present. A letter was read from the Law Agent of the Dublin Corporation in reply, stating that the Corporation had instructed him not to proceed any further with clause 87 of the Various Powers Bill, dealing with the extension of the jurisdiction of the Court of Conscience.

A letter was read from the Hon. Secretary of the Solicitors' Bar Association of the County and City of Dublin, enclosing amendments to the Civil Bill Courts (Dublin) Bill introduced last year, asking the Council to take steps to have the amendments inserted in the Bill when introduced this year. A reply was directed to be sent informing the Solicitors' Bar Association of the action which the Council had already taken in reference to this Bill, which has been again introduced this year.

Applications by three solicitors for renewal of their annual certificates were considered; and orders were made granting the three applications.

A letter was directed to be written to the solicitors for the Local Government Board requesting that arrangements should be made whereby solicitors interested in the taxation of bills of costs under the Labourers (Ireland) Act, 1906, should receive notice of the time and place of taxation, and should be afforded an opportunity of being present thereat.

A memorial of an intending apprentice presented to the Lord Chancellor and Judges named in section 18 of the Solicitors (Ireland) Act, 1898, seeking exemption from the Preliminary Examination, was considered, and it was resolved to ask their Lordships to refuse the prayer of the memorial, and to suggest that

the case was a suitable one in which to grant a modified preliminary examination within the terms of their Lordships' minute of the 12th May, 1892.

An application from the Solicitors' Apprentices' Debating Society for the use of the Hall of the Society upon the 20th inst., for an inter-debate with the University College Debating Society, was granted.

The Council adjourned until the 26th inst.

The Council met upon Wednesday, the 26th February. The President (Mr. G. H. Lyster) in the Chair, and twenty-three other members present.

A letter was read from the Lord Chancellor's Secretary, stating that the Lord Chancellor had before him the memorial of a law clerk, and also the letter from the Secretary in reference to same, and that while His Lordship could not accede to the prayer of the Memorial as regards exemption from the Preliminary Examination and attendance at Lectures, His Lordship consents to the applicant being granted the modified examination mentioned in the Judges' Minute of the 12th May, 1892.

A letter was read from the solicitors of the Local Government Board, acknowledging the receipt of the letter of the Secretary of the 12th inst., and stating that they would lay same before the Local Government Board, and take their directions.

A list of questions on the amalgamation or fusion of the professions of barrister and solicitor, received from the Transvaal Legislative Assembly, was submitted, and was referred to the Court of Examiners for consideration and report.

Memorials from two apprentices, applying for liberty to have their indentures assigned, were sanctioned.

Application by a solicitor for renewal of his certificate was considered and granted.

A Report from the Special Committee appointed to consider the Bye-laws of the Society was submitted and adopted.

A Report from the Court and Offices Committee, stating that after communication with the Committee of the Bar Library they found that the objections to a passage from the Bar Library to Judge Barton's Court were insuperable, and recommending the Council to take no further action in the matter, was adopted.

A Report from the County Courts Committee upon the Civil Bill Courts (Dublin) Bill, introduced this Session by Mr. Gordon, K.C., M.P., was considered and adopted; and the following resolution was adopted, and copies of same were directed to be sent to members of the Irish Government, to the Bar Council, to the Recorder, to the Chamber of Commerce, and to Irish Solicitors who are Members of Parliament.

RESOLVED—The Council of the Incorporated Law Society of Ireland, having considered the Civil Bill Courts (Dublin) Bill, as introduced by Mr. John Gordon, K.C., M.P., supported by the four Members of Parliament for the City of Dublin, expresses its approval of the provisions of the Bill, and is of opinion that its passage into law is eminently desirable, in order to improve the procedure and make better provision for the discharge of the business of the Civil Bill Courts of Dublin.

The Council then adjourned.

Council Meetings.

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

March 11th and 25th.

April 15th and 29th.

Committee Meetings.

THE following Committee Meetings were held during February:—

Bye-laws, 7th.

Gazette, 7th.

Bye-laws, 19th.

Court and Offices, 21st.

Costs, 21st.

Court and Offices, 25th.

County Courts, 25th.

New Members.

THE following have joined the Society during February:—

Atkinson, Thomas J., Portadown.
Murnaghan, George, jun., Omagh.
Pettit, John, Carrick-on-Shannon.
Shields, Francis, Omagh.
Weir, John S., Strabane.

Legal Appointments.

THE Lord Lieutenant has appointed Mr. John Charles Ryan, Solicitor, to be a Resident Magistrate for the County of Mayo, under the provisions of the Act 6: Wm. IV, cap. 13. Mr. Ryan was admitted a solicitor in Trinity Sittings, 1893, and practised at 19 Kildare Street, Dublin, and Clonmel, in partnership with Mr. John J. Mackenzie, under the style of John C. Ryan & Co.

The Lord Chancellor has appointed Mr. Edward V. Hamilton, Solicitor, of Omagh, County Tyrone, Clerk of the Crown for County Tyrone, to be Local Registrar of Title for County Tyrone, in room of the late Mr. Thomas G. Dickie, Solicitor.

Commissioners for Oaths.

THE Lord Chancellor, in February, appointed the following to be commissioners to administer oaths:—

Charles E. O'Donnell, Solicitor, Limerick.
Louis A. Crawford, Law Clerk, Donegal.
Thomas F. Walshe, Clerk of Union, Kilmac-

Obituary.

MR. JOHN TORRENS, J.R., Solicitor, died at his residence Rosstulla, Whiteabbey, on the 21st February, 1908. Mr. Torrens was admitted in Trinity Sittings, 1884, and practised in Belfast, in partnership with Mr. John Bristow, under the style of Torrens & Bristow.

New Solicitor.

ADMISSION DURING FEBRUARY, 1908.

Name.	Served apprenticeship to
Geoghagan, James,	Edward A. Shaw, Mullingar.

Irish Land Act, 1903.

THE Estates Commissioners have issued a specimen map and schedule of areas, which they have had prepared for the guidance of those who are carrying out sales of estates under the Irish Land Act of 1903. The specimen map and schedule of areas illustrate in detail the manner in which the Commissioners' Rules as to maps, &c., should be complied with, and they can be purchased for one shilling from Mr. E. Ponsonby, 18 Nassau Street, Dublin, the agent in Ireland for the sale of Government publications.

The Land Commission.

THE following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged:—

Dublin, April 22nd; Leinster (part of).

Belfast, April 28th; Counties Down and Antrim.

Ennis, May 5th; County Clare (part of).

Limerick, May 12th; County Limerick and

Counties Clare and Tipperary (parts of).

Cork, May 12th; County Cork (part of).

Kilkenny, June 2nd; County Kilkenny.

Dublin, June 11th; Leinster (part of).

Armagh, June 19th; County Armagh.

Dublin, June 25th; Leinster (part of).

Killarney, June 30th; County Kerry and County Cork (part of).

Dublin, July 9th; Leinster (part of).

Dublin, July 16th; Leinster (part of).

Solicitors' Benevolent Association.

A MEETING of the Directors was held on the 26th of February at the Association's Rooms, Four Courts, Dublin, Mr. William Fry (in the Chair) and eleven others being present.

The minutes of last meeting having been read and confirmed, the Secretary reported having received since last meeting the sum of £116 11s., making the total annual subscriptions received since 1st January last, £411 12s.

The Secretary also reported having received a donation of £10 10s. from Mr. Richard S. Reeves.

Mr. Fry was re-elected chairman, Sir George Roche vice-chairman, and Mr. Jellett honorary secretary, for the current year.

The directors then proceeded to consider the various cases for relief, and made grants

to four applicants, amounting in all to £39 10s., bringing the amount afforded in relief since the 1st of January up to £155 10s.

A letter from Mr. J. Dunville Coates, Solicitor, Belfast, was read, suggesting that the Association should communicate with the Northern Law Society, asking them to appoint a Sub-Committee to further the objects of the Association in Belfast. This suggestion was adopted, with the result that a Sub-Committee, consisting of Messrs. J. Dunville Coates, Martin H. Turnbull, Stanley Ferguson, and Martin J. Burke, was appointed; and it is hoped that their efforts will lead to a large increase in the membership of the Association in Belfast.

The report of the scrutineers as to the result of the election for a candidate to an annuity of £15 was submitted, and No. 2 on the voting paper, the widow of a solicitor, having received the highest number of votes, was duly elected; and, after transacting some further routine business, the meeting adjourned.

The following have joined the Association since 1st January, 1908:—

W. G. Towers, Dublin.

Florence A. Greene, Dublin.

Leonard Webb, Dublin.

Louis Montfort, Dublin.

Penrose C. Morris, Dublin.

Richard T. Holmes, Dublin.

Joseph Tierney, Dublin.

P. J. Meehan, Maryborough.

James Rogers, Tullamore.

Patrick T. Liston, Rathkeale.

Thomas W. Wright, Clonakilty.

Frederick W. White, Belfast.

Hunter Moore, Newry.

John Mackay, Carlow.

Meetings of the Directors of the Solicitors' Benevolent Association will be held upon the following dates:—

April 15th.

June 3rd.

Additions to the Library during January and February, 1908.

Belfast and Province of Ulster Directory for 1908. 8vo. Belfast, 1907.

Beven (T.): Negligence in Law. 3rd ed. 2 vols. 8vo. London, 1908.

Dowell (S.): Acts relating to the Income Tax. Sixth edition by J. E. Piper. 8vo. London, 1908.

Dublin University Calendar, for 1907-1908. vol. ii. 12mo. Dublin, 1908.

Encyclopædia of the Laws of England with forms and precedents. Vol. VIII. (Land-man to Maritime Territory.) 8vo. London, 1908.

Encyclopædia of Forms and Precedents, other than Court forms. Vols. XII. and XIV. 8vo. London, 1908.

Guy's Cork Almanack and Directory for 1908. 8vo. Cork, 1908.

Lely (J. M.): The Annual Statutes, 1907. 8vo. London, 1908.

Manual of Military Law. (War Office.) 1907. London, 1907.

Mews (J.): Annual Digest of all the reported decisions of the Superior Courts during the year 1907. 8vo. London, 1908.

Palmer (Sir F. B.): Company Precedents. Part III. (Debentures and Debenture Stock.) 10th edition. 8vo. London, 1908.

Paterson (J.): Licensing Acts, 1828 to 1906. 19th ed. 8vo. London, 1908.

Pollock (Sir F.): Law of Partnership. 8th ed. 8vo. London, 1908.

Law of Torts. 8th ed. 8vo. London, 1908.

Porter (S. C.): Law relating to Employers' Liability and Workmen's Compensation with the Irish rules and forms. 8vo. Dublin, 1908.

Post Office Guide. January, 1908. 8vo. London, 1908.

Post Office London Directory, 1908. 4to. London, 1908.

Revised Reports, The. Vols. xciv, xcv. (1852-1854). 8vo. London, 1908.

Sell's Telegraphic Addresses, 1908. 4to. London, 1908.

Stock Exchange Year Book, 1908. 8vo. London, 1907.

Stubbs's Commercial Year Book and Gazette Index, 1908. 8vo. London, 1908.

Theobald (H. S.): Law of Wills. 7th ed. 8vo. London, 1908.

Thom's Official Directory, 1908. 8vo. Dublin, 1908.

Vanston (G. T. B.): Law relating to Municipal Boroughs under the Municipal Corporations (Ireland) Acts, 1840 to 1888. 8vo. Dublin, 1907.

Willis (W. A.): The Workmen's Compensation Act, 1906. 10th ed. 8vo. London, 1907.

Woodfall (W.): Law of Landlord and Tenant. 18th ed. 8vo. London, 1908.

Solicitors' Apprentices' Debating Society.

SESSION 1907-1908.

PROGRAMME FOR EASTER SITTINGS, 1908.
Meetings held at 8 p.m. in Antient Concert Rooms,
Great Brunswick Street, Dublin.

Monday, April 27th.—Debate—"That Members of Parliament should be paid."

Monday, May 4th.—Impromptu Speeches.

Monday, May 11th.—Legal Debate—"That the case of *The King (Croghan) v. The Chairman and Justices of Co. Mayo* (1907), 2 I. R. 474, was wrongly decided."

Dates of Examinations.

THE following are the dates of the May, 1908, Examinations:—

May 11th and 12th.—Preliminary (Papers to be lodged before 11th April).

May 18th and 19th.—Final (Papers to be lodged before 18th April).

Easter Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Easter Sittings, 1908:—

April 24th, 28th.
May 1st, 5th, 8th, 12th, 15th.

Professor Boyd will deliver lectures to the Junior Class upon Common Law on the following dates in Easter Sittings, 1908:—

April 23rd, 27th, 30th.
May 4th, 7th, 11th, 14th, 18th.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2807 (2 lines).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. 1, No. 10.] April, 1908.

FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

THE Council met upon Wednesday, the 11th March, 1908, the President (Mr. Lyster) in the Chair, and twenty-six other members were present.

The following resolution was adopted, and copy of same was directed to be sent to the family of the late Lord Hemphill:—

RESOLVED—The Council of the Incorporated Law Society of Ireland have heard with deep regret of the death of the Right Honourable Lord Hemphill, K.C.

“The Council desire to place on record their grateful appreciation of the many services rendered by Lord Hemphill to the Society and the profession when a member of the House of Commons.”

“The Council beg to convey to the members of the family of the late Lord Hemphill an assurance of their sincere sympathy with them in their bereavement.”

Letter was read from the Solicitors to the Local Government Board, in reply to a letter from the Council (see GAZETTE for previous month), stating that they had received from the Board a reply in which the Board state that they do not think it necessary, unless in very exceptional circumstances, that Rural District Councils and other persons interested should be put to additional expense by requiring them to attend or otherwise to take part in the proceedings on taxation of bills of costs under the Labourers (Ireland) Act, 1906, and that bills of costs have been referred to the Board for taxation, pursuant to the Labourers (Ireland) Act Order, 1906, and that the bulk of those bills are for a comparatively small amount.

This letter was referred to the Costs Com-

mittee to take further action in reference to the question of affording to solicitors interested an opportunity of attending upon the taxation of such costs.

It was ordered that letters should be written to the Registrar of the Chancery Division, to the Registrar in Lunacy, and the Registrar of the Land Judge's Court, requesting that, in cases of recognizances directed to be vacated which have been enrolled more than twenty years ago, extracts from same to be given by the Public Record Office shall be accepted by the Registrars upon the vacating of the recognizances.

It was ordered that a letter should be written to the Irish Land Commission, requesting that a telephone be supplied in connexion with their offices at 18 Nassau street, for the use of the profession.

Applications by two solicitors for renewal of their annual certificates were considered, and orders were made granting the applications.

A Report from the Court of Examiners was submitted, recommending that the petition of a law clerk seeking to be bound under section 16 of the Solicitors (Ireland) Act, 1898, for a period of three years should be granted.

The Report was adopted.

A further Report from the Court of Examiners, submitting answers to the queries submitted upon behalf of the Transvaal Legislative Assembly, upon the question of amalgamation of the legal professions, was adopted; and the answers, as prepared by the Court of Examiners, were directed to be sent in reply.

A Report from the Costs Committee, recommending the Council not to proceed further with the contemplated publication of a Digest of Reported Cases on Costs, was submitted and adopted.

The Council adjourned.

THE Council met upon Wednesday, the 25th March, 1908, the President (Mr. Lyster) in the Chair, and twenty-three other members were present.

A letter was read from Lord Hemphill, acknowledging on behalf of himself and the other members of the family of the late Lord Hemphill, the resolution of sympathy passed by the Council.

A letter was read from a firm of solicitors in Belfast, drawing attention to the practice whereby, under the Workmen's Compensation Act, in the case of the death of a workman, an employer who admits liability, and desires to lodge compensation money, cannot obtain from the Clerk of the Peace an authority to lodge the money until a request for arbitration is issued, at the instance of the dependents of the deceased workman. It was ordered that inquiries be made from Clerks of the Peace in reference to the general practice in such cases.

An application, by an intending apprentice for exemption from Latin at the Preliminary Examination was considered, and a reply was directed to be sent, stating that the Council was not disposed to favourably consider the application.

A Memorial from a law clerk, seeking a modified Preliminary Examination under section 18 of the Solicitors (Ireland) Act, 1898, addressed to the Lord Chancellor and Judges, was considered, and it was decided not to offer opposition to the application.

An application by a solicitor for renewal of his certificate, and two applications by solicitors to obtain their first certificates, were considered, and in each application the orders sought for were made.

The Council adjourned until the 15th April.

Council Meetings.

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

April 15th and 29th.

May 13th.

Committee Meetings.

THE following Committee Meetings were held during March:—

Court of Examiners, 9th.

Gazette, 10th.

Costs, 10th.

Costs, 13th.

New Members.

THE following have joined the Society during March:—

Farrell, Christopher J. P., Longford.

Hardman, Cyril H., Dublin.

Murphy, Michael M., Kilkenny.

Rountree, James, Monaghan.

Commissioners for Oaths.

THE Lord Chancellor has appointed the following additional commissioners to administer oaths:—

James A. Culbert, Solicitor, Belfast.

Louis A. Crawford, Solicitor's Assistant, Donegal.

William John Corker, Clerk of Urban Council, Omagh.

John Crockett, Jun., Clerk of Petty Sessions, Castleberg.

William Lowry, Clerk of Union, Birr.

James T. Purdon, Manager of Northern Bank, Bray.

Obituary.

MR. ALEXANDER BELL, Solicitor, died on the 9th March, 1908, at his residence, 3, Sandford Terrace, Dublin. Mr. Bell, who served his apprenticeship with the late Mr. Joseph Dickie, of Belvidere Place, Dublin, and Dundalk, was admitted in Michaelmas Sittings, 1858, and practised at 43 Dame Street, Dublin, and latterly in partnership with his sons, Mr. Sidney M. Bell and Mr. E. St. Clair Bell, under the style of Alexander Bell & Sons, at 20 Molesworth Street, Dublin.

Mr. Archibald Collum, Solicitor, died on the 21st March, 1908, at his residence, 2, Mayfield, North Circular Road, Dublin. Mr. Collum, who served his apprenticeship with his father, the late Mr. John Collum, of Talbot Street, Dublin, was admitted in Michaelmas Sittings, 1855; formerly practised at 74 Dame Street, Dublin, but retired from practice some years ago.

Mr. John F. Cosgreave, Solicitor, died on the 24th March, 1908, at his residence, Rathkeale, Co. Limerick. Mr. Cosgreave was admitted in Hilary Sittings, 1869, and practised in Rathkeale with his sons, Mr. John T. Cosgreave and Mr. William A. Cosgreave.

Reported Cases on Costs.

This book, published by the Society some years ago, contains a collection of *verbatim* reprints of the Reports of cases relating to costs decided in Ireland from 1867 to 1891; and also of such of the English cases on the Solicitors' Remuneration Act up to 1891 as are applicable to the law in Ireland. It consists of 735 pages. The remaining copies will be sold at the reduced price of 5s., postage 6d. extra, and can be obtained from the Secretary of the Society, Four Courts.

Recent Decisions affecting Solicitors.

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

KING'S BENCH DIVISION.

(Before Boyd, Kenny, and Wright, JJ.)

In the Matter of an Arbitration between William Small and The Scottish Live Stock Insurance Co.

Feb. 10, 1908.—*Practice—Costs—Arbitration—Costs of second counsel—Taxing Master's discretion.*

In an arbitration (arising out of an insurance policy) which was held during the Belfast Assizes after the ordinary court work was over, and which occupied about three and a half hours, seven witnesses being examined, the insured was awarded a sum of £93 5s. 8d. with costs. On the taxation of costs the Taxing Master disallowed the fee of a second counsel who appeared for the insured at the arbitration, on the ground that the case was a small one, and that one counsel was enough:

Held, that the Taxing Master had failed to appreciate the importance of the case, and that the matter should be remitted back to him with a direction to him to allow the costs of the second counsel:

Semble, although it is a general rule in England that, save under exceptional circumstances, the costs of only one counsel will be allowed on an arbitration, there is no such general rule in Ireland.

Reported in I.L.T.R., Vol. XLII., page 85.

(Before Palles, L.C.B., Johnson, and Boyd, JJ.)

Wells v. M. Gregor and Another.

Feb. 5, 1908.—*Practice—Irregularly marked judgment—Setting aside—Costs—Power to impose a condition.*

In setting aside a judgment for irregularity it is now the settled practice of the Court to allow

the defendant his costs only on the terms that he undertakes to bring no action in respect of the signing of the judgment or the issuing execution thereon.

The following is the curial part of the order made by the Court:—"The said defendants, by their counsel, hereby undertaking not to bring any action against the sheriff or the plaintiff's solicitor by reason of the entry of the said judgment or the issue and levy of execution thereunder, but without prejudice to their right to bring an action against the plaintiff for same, it is ordered that the said judgment be set aside as having been over-marked and marked contrary to good faith, and that the said defendants be at liberty to defend this action."

Reported in I.L.T.R.; Vol. XLII., page 86.

Result of Intermediate Examination.

At the Intermediate Examination, held upon the 2nd March, the following apprentices passed the examination:—

- Currie, William.
- Porter, Robert K.

Taylor, Brandon I.

Four candidates attended; three passed; one was postponed.

New Solicitors.

ADMISSIONS DURING MARCH, 1908.

Name.	Served apprenticeship to
McCormick, Charles,	Hugh C. O'Doherty, Londonderry.
Parke, James Cecil,	William A. Parke, Cloness.

Sittings and Court Holidays.

The Easter Sittings begin upon Wednesday, the 15th April, and terminate on Monday, the 18th May.

The following days in Easter Sittings will be Court holidays:—

- Good Friday, 17th April.
- Saturday, 18th April.
- Easter Monday, 20th April.
- Tuesday, 21st April.

Bye-laws of the Society. At the Half-yearly General Meeting of the Society, to be held upon Friday, the 15th day of May, at 10 o'clock, p.m., the President will move that the following amendments be made to bye-laws 4 and 30 of the Society:—

Bye-law 4. Omit the following words:—“and that he cannot vote at any election until his subscription be paid. The name of every member whose annual subscription be not paid before the 1st day of November shall be posted in the Council Room in a list to be accessible to members on application to the Secretary”; and from same bye-law omit the word “December” and insert the word “October.”

Bye-law 30. Omit the following words:—“a solicitor in actual practice, holding a certificate for the current year, admitted at least seven years previous to the day of election, and”; and from same bye-law omit the following words:—“whose subscription for the current year shall have been paid on or before the day of nomination”; and from same bye-law omit the following words:—“and each of whose subscriptions for the current year shall have been paid on or before the day of nomination.”

The following are copies of bye-laws 4 and 30 as at present:—

4. “The Secretary shall, on or before the 1st day of July in each year, send a notice to every member whose subscription is in arrear, informing him of the fact, and that he cannot vote at any election until his subscription be paid. The name of every member whose annual subscription be not paid before the 1st day of November shall be posted in the Council Room in a list to be accessible to members on application to the Secretary, and any member whose subscription shall not be paid on or before the 31st December following shall thereupon cease to be a member.”

30. “Every candidate for election on the Council must be a solicitor, in actual practice, holding a certificate for the current year, admitted at least seven years previous to the day of election, and a member of the Society, whose subscription for the current year shall have been paid on or before the day of nomination, and must be nominated by two members of the Society, who shall sign their nomination paper, and each of whose subscriptions for the current year shall have been paid on or before the day of nomination. Such nomination paper shall contain the name of the

proposed candidate, and of each of his nominators, and shall be in the form in Schedule A to these Rules annexed in the case of a candidate to be elected as an ordinary member, and in the form in Schedule B in the case of a candidate to be elected a provincial delegate. Every nomination paper must reach the Secretary on or before the 6th day of November, between the hours of 11 o'clock a.m. and 4 o'clock p.m.”

These bye-laws when amended as above proposed would read as follows:—

4. The Secretary shall on or before the 1st day of July in each year send a notice to every member whose subscription is in arrear informing him of the fact, and any member whose subscription shall not be paid on or before 31st October following shall thereupon cease to be a member.

30. Every candidate for election on the Council must be a member of the Society, and must be nominated by two members of the Society who shall sign their nomination paper. Such nomination paper shall contain the name of the proposed candidate and of each of his nominators, and shall be in the form in Schedule A to these Rules annexed in the case of a candidate to be elected as an ordinary member, and in the form in Schedule B in the case of a candidate to be elected a provincial delegate. Every nomination paper must reach the Secretary on or before the 6th day of November, between the hours of 11 o'clock a.m. and 4 o'clock p.m.

Land Purchase (Ireland) Act, 1903.

FEES TO COUNSEL ON CERTIFICATES OF TITLE.

The following correspondence has taken place between the General Council of the Bar of Ireland and the Council of the Incorporated Law Society:—

LAW LIBRARY, FOUR COURTS,
16th, December, 1907.

DEAR SIR,—I am desired by the General Council of the Bar of Ireland to send you a copy of a resolution unanimously adopted by them with reference to fees to counsel for certificates as to *prima facie* evidence of title in Land Purchase cases.

I am, yours faithfully,

T. HENRY MAXWELL,

Hon. Sec. pro tem.

The Secretary,
Incorporated Law Society.

RESOLVED.—The Bar Council, being of opinion that, before giving a certificate of *prima facie* title, it is the duty of the counsel to whom the title is submitted, in addition to the perusal of the title, to satisfy himself of the identity of the parcels of land mentioned in the Originating Application and Map, with those mentioned in the title-deeds, it is hereby resolved that the following scale of fees shall be adopted by the Bar:—

1. Where purchase does not exceed £2000, minimum fee, £3 3s.
2. Where purchase exceeds £2000, minimum fee of £3 3s., together with a further fee of 10s. 6d. for each document of title to be perused over five.

Originating Application and Map to be considered as one document of title.

SOLICITORS' BUILDINGS,
FOUR COURTS, DUBLIN,
22nd January, 1908.

DEAR SIR,—I beg to acknowledge the receipt of your letter of the 16th ult., and copy resolution enclosed therein, which the Council of this Society have had under their consideration.

The Council of this Society regret that the Council of the Bar have deemed it necessary to formulate any scale of fees, in connexion with the giving of the certificate of *prima facie* title under the Estates Commissioners' Rules of the 4th November, 1907.

My Council are emphatically of opinion that nothing should now be done which in any way would tend to create a difference between solicitors and their counsel, and, as in the past there has been no suggestion of unfair treatment of the Bar by the solicitors' profession, it occurs to my Council that no hard and fast scale of fees for counsel should be sought to be laid down.

Under these circumstances, combined with the fact that Mr. Justice Wylie has now sent to the Bar Council a memorandum explanatory of what it would be in future necessary for counsel to do in connexion with the giving of the certificate, it is suggested that matters should remain as heretofore.

Faithfully yours,

W. G. WAKELY, Secretary.

T. H. Maxwell, Hon. Sec. *pro tem.*,
General Council of the Bar, Law
Library, Four Courts, Dublin.

54 LANSDOWNE ROAD, DUBLIN,
124th January, 1908.

DEAR SIR,—I beg formally to acknowledge receipt of your letter to Mr. T. H. Maxwell, Hon. Sec. *pro tem.* for Bar Council, referring to the matter of *prima facie* title.

I shall place the letter before the Council at the next meeting.

Yours faithfully,

HENRY HANNA,

Hon. Sec. Bar Council.

W. G. Wakely, Esq.

LAW LIBRARY, FOUR COURTS,
March 3rd, 1908.

DEAR SIR,—I beg to acknowledge receipt of your letter of the 2nd inst., enclosing a copy of the resolution of the Council of the Incorporated Law Society of Ireland in support of the Civil Bill Courts (Dublin) Bill, which I shall lay before the Bar Council at their next meeting.

In further reply to your letter of the 22nd January, as to the fees for certificates of *prima facie* titles, I beg to say that your letter was before the Bar Council at their meeting last Saturday, and I have been asked to say that one of the chief objects of the Council, in passing the resolution referred to, was to obviate any differences between solicitors and their counsel.

For nearly all work done by the Bar there is a recognized minimum fee, and the Bar Council think that the Incorporated Law Society will, on consideration, concur in the advisability of having a minimum fee fixed for this new work.

Except as regards minimum fee, the Bar Council have laid down no hard and fast scale, and do not desire to do so.

Before passing the resolution the necessity for some minimum fee had become abundantly plain to them, and the scale was fixed, as a result of consultation with the leading Conveyancing Counsel at the Bar.

Faithfully yours,

HENRY HANNA,

Hon. Sec. Bar Council.

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

SOLICITORS' BUILDINGS,
FOUR COURTS, DUBLIN,
12th March, 1908.

DEAR SIR,—In reply to your letter of the 3rd inst., I am directed to inform you that the

Council of this Society adhere to the opinion expressed in my letter of the 22nd January last; and to the suggestion contained therein that matters should remain as heretofore.

I remain, yours faithfully,

W. G. WAKELY, *Secretary.*

Henry Hanna, Esq., Hon. Secretary
Bar Council, Law Library, Four
Courts.

The attention of the Council of the Society has been called to the case of *In re Harrison* (L. R. Ch. [1908], 1, p. 282), in which Mr. Justice Parker decided that Bar rules or etiquette cannot be relied on by a solicitor in the taxation of his costs.

Bankruptcy Regulations.

THE Council, having considered the Regulations of the 20th December, 1907, dealing with the costs on sales of mortgaged property, and also with the costs of adjournments, adopted the following resolutions:—

RESOLVED—The Council of the Incorporated Law Society of Ireland are of opinion that the regulations of the 20th December, 1907, as to costs on sales of mortgaged property, which direct that the costs, charges, and expenses of the assignees (representing as they do the bankrupt mortgagor) are to have priority, and are to be paid out of the proceeds of the sale of mortgaged property in priority to the claim of the mortgagee, are wrong in principle and are unfair to mortgagees.

That no such right of preference is given to an owner or mortgagor in any division of the High Court in a sale at the instance of a mortgagee.

That whilst the Council is fully satisfied that no unfair order would be made by the Court, they are of opinion that the existence of the regulations would have a deterrent effect upon mortgagees desirous of realizing through the Court, and would also seriously affect the usefulness of the Court, and prevent the rapid realization of bankrupts' estates subject to charges.

COSTS OF ADJOURNMENT.

The Council are further of opinion that the regulation of the 20th December, 1907, in

reference to costs of adjournments, is unreasonable, and places solicitors in an invidious position before their clients and the public. The Court has full jurisdiction to refuse an application for an adjournment, but when it sees fit to grant an adjournment, the solicitor, acting in the interest of his client, and by his direction, should not be obliged to ask for costs.

The Council are of opinion that adjournments, especially in arrangement matters, are, generally speaking, unavoidable.

The Council are of opinion that, as in the past, the question of the costs of an adjournment should remain with the Taxing Master, subject to any special order the Court may be pleased to make.

The Council would respectfully submit that in any event the regulation as to the costs of an adjournment should be confined to a case in which they would be payable out of a fund under the control of the Court.

The Council respectfully urge upon His Lordship, Mr. Justice Boyd, to rescind both of the regulations referred to in the foregoing resolution.

Upon the 10th March Mr. Justice Boyd received a deputation from the Council, consisting of Mr. Lyster (President), Mr. Collins (Vice-President), Sir George Roche, Sir A. F. Baker, and Mr. Henry, accompanied by the Secretary, when the foregoing resolutions were submitted to His Lordship, and the deputation put forward further reasons in support of the request of the Council that the regulations of the 20th December, 1907, should be rescinded. His Lordship intimated that the subject would receive his careful consideration.

The following letter has been received by the Secretary:—

“FOUR COURTS, DUBLIN,

23rd March, 1908.

“SIR,—I beg to enclose herewith a copy of an order made by Mr. Justice Boyd in reference to the matters brought before His Lordship by the Incorporated Law Society on the 10th March inst.

“Yours faithfully, I

“R. G. DANIELL, *Regr.*

“The Secretary,
“Incorporated Law Society,
“Four Courts.”

IN THE HIGH COURT OF JUSTICE IN
IRELAND.

KING'S BENCH DIVISION (IN BANKRUPTCY).

IT is ordered that the regulations of the 20th day of December, 1907, in reference to the costs on sale of mortgaged property and fees for attendance before the Chief Registrar, be rescinded as of and from the 20th day of December, 1907, and that the regulations of the 25th day of February, 1907, in reference to said costs and fees be restored as of and from the 20th day of December, 1907. And it is further ordered that the regulations of the 20th day of December, 1907, in reference to the costs of adjournments be rescinded as of and from the 20th day of December, 1907.

The terms of item 100, Part v., Bankruptcy Costs, &c., Appendix S. of the Rules of the Supreme Court (Ireland), 1905, are to be strictly observed by the Taxing Officers in the taxation of all bills of costs.

By THE COURT,
R. G. DANIELL, *Regr.*

The 10th day of March, 1908.

The following is a copy of the Regulations of the 25th February, 1907, referred to in above Order:—

IN THE HIGH COURT OF JUSTICE IN
IRELAND.

KING'S BENCH DIVISION (IN BANKRUPTCY).

Regulations as to payments of Costs on Sales, and as to Fees for Attendances before the Chief Registrar.

1. When the solicitor for the mortgagees has carriage of the sale of mortgaged property, he shall pay all the necessary and proper fees and costs payable to the solicitor for the assignees in relation to the purchase deed and the execution thereof, and shall include them in his own bill of costs relating to such sale. He shall also cause a copy of the purchase deed to be placed on the file of proceedings in the matter, and charge the costs of making and filing such copy in his said bills of costs.

2. When the Solicitor for the Assignees has carriage of the sale of mortgaged property, he shall include all similar items (whether payable to himself or to another Solicitor appointed to represent the estate) in his bill of costs relating to the sale and payable out of the proceeds of such sale. He shall also file a copy of the purchase deed, and charge the costs thereof in his said bill of costs.

These directions shall apply (in the absence of any order or consent made a Rule of Court to the contrary) whether the proceeds of the sale shall be sufficient to pay the mortgage debt (or debts) or otherwise, and the solicitor for the assignees shall not include in his general bill of costs any items that should be paid out of the proceeds of the sale of the mortgaged property under the above directions.

3. Item Number 98 in the Schedule of Costs and Fees shall apply to sittings or meetings required to be held by the Statutes or General Rules, or before the Chief Registrar under a special order of the Court, but shall not apply to other appointments which appear in the lists of the Chief Registrar or other officer, which shall be dealt with under Item 72.

Approved:

WALTER BOYD.

The 25th day of February, 1907.

Civil Bill Court (Dublin).

THE following Order in Council has been made directing that the civil business of the Civil Bill Court of county Dublin, now transacted at Kilmainham, be transacted for the future at Green Street Courthouse, Dublin:—

By the Lords Justices and Privy Council in Ireland:

S. WALKER, C.:—

Whereas it is expedient that the business of the Civil Bill Court of the county of Dublin, usually transacted at the Courthouse, Kilmainham, in the county of Dublin, be transacted at the Sessions Courthouse, Green Street, in the county of the city of Dublin.

Now, We, the Lords Justices General and General Governors of Ireland, by and with the advice and consent of His Majesty's Privy Council in Ireland, in pursuance of the powers in Us vested by the County Officers and Courts (Ireland) Act, 1877, and every other power enabling Us thereunto, do hereby order that all the civil business of the Civil Bill Court of the county of Dublin, now transacted at the Courthouse, Kilmainham, in the county of Dublin, be transacted in the Sessions Courthouse, Green Street, Dublin.

Given at the Council Chamber, Dublin Castle, this 30th day of March, 1908.

JOHN ROSS.

H. A. ROBINSON.

The Land Commission.

THE following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged:—

- Dublin, April 22nd; Leinster (part of).
 Belfast, April 28th; Counties Down and Antrim.
 Ennis, May 5th; County Clare (part of).
 Limerick, May 12th; County Limerick and Counties Clare and Tipperary (parts of).
 Cork, May 12th; County Cork (part of).
 Kilkenny, June 2nd; County Kilkenny.
 Dublin, June 11th; Leinster (part of).
 Armagh, June 19th; County Armagh.
 Dublin, June 25th; Leinster (part of).
 Killarney, June 30th; County Kerry and County Cork (part of).
 Dublin, July 9th; Leinster (part of).
 Dublin, July 16th; Leinster (part of).

Solicitors' Benevolent Association.

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

April 15th.
 June 3rd.

Solicitors' Apprentices' Debating Society.

SESSION 1907-1908.

PROGRAMME FOR EASTER SITTINGS, 1908.

Meetings held at 8 p.m. in Ancient Concert Rooms, Great Brunswick Street, Dublin.

Monday, April 27th.—Debate—"That Members of Parliament should be paid."

Monday, May 4th.—Impromptu Speeches.

Monday, May 11th.—Legal Debate—"That the case of *The King (Croghan) v. The Chairman and Justices of Co. Mayo (1907)*, 2 I.R. 474, was wrongly decided."

Dates of Examinations.

THE following are the dates of the May, 1908, Examinations:—

May 11th and 12th.—Preliminary (Papers to be lodged before 11th April).

May 18th and 19th.—Final (Papers to be lodged before 22nd April).

Easter Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Easter Sittings, 1908:—

April 24th, 28th.

May 1st, 5th, 8th, 12th, 15th.

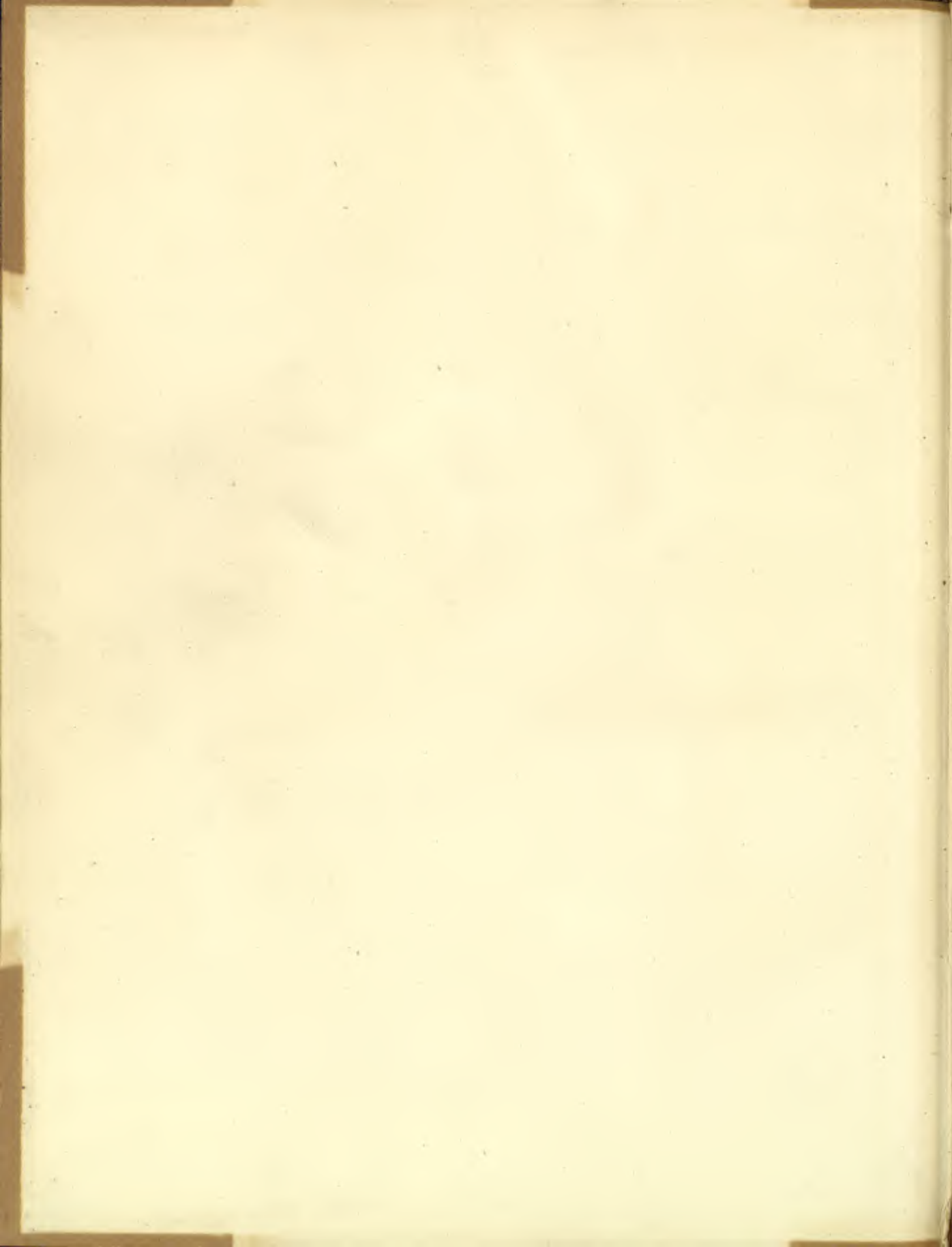
Professor Boyd will deliver lectures to the Junior Class upon Common Law on the following dates in Easter Sittings, 1908:—

April 23rd, 27th, 30th.

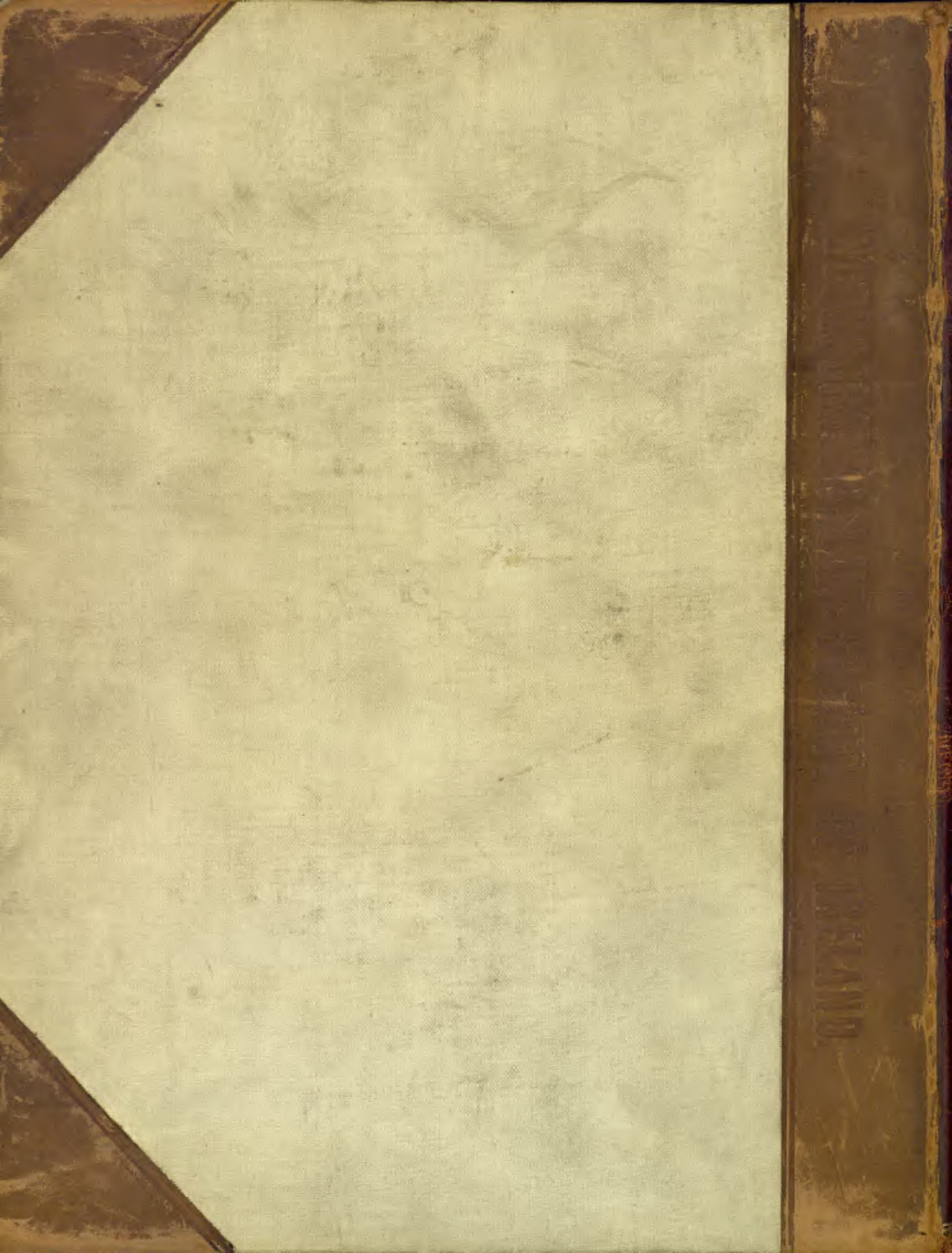
May 4th, 7th, 11th, 14th, 18th.

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

THE GAZETTE will accept advertisements for sale and purchase of property, loans, securities offered, and money for investments on mortgages, partnerships, clerkships, and generally such advertisements as would be of service to the members of the Society and the Profession. Communications as to advertisements should be addressed to Messrs. Ponsonby, 18 Nassau Street, Dublin.



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IRLAND