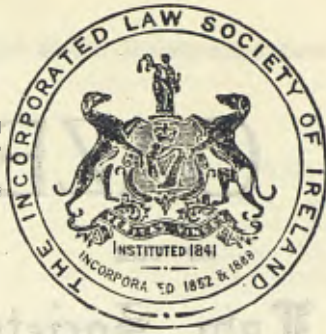




W. F. Bylward



THE

THE

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 1.] May, 1917.

[FOR CIRCULATION AMONGST MEMBERS.

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Vol. XI, No. 1.]

May, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscription.

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

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

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, on Wednesday, the 16th May, 1917, to elect Auditors, to nominate Scrutineers of Ballot for Council, to be held on 21st November, 1917, and to transact such further business as may come before the Meeting.

The chair will be taken at two o'clock, p.m.

Meeting of the Council.

April 18th.

Taxation of Costs.

A letter was read from a firm of Solicitors drawing attention to the present delay in

obtaining taxations of costs. It was resolved to address a communication to the Lord Chancellor on the subject.

Land Registry.

A letter was read from the Chief Clerk of the Land Registry enclosing a specimen copy of form of certified extract from a folio proposed to be issued in lieu of a full copy of the folio, where the folio, owing to numerous entries, has become lengthy or complicated. The fee for the proposed form of certified extract is to be five shillings in every case irrespective of the length and complexity of the folio. The party bespeaking will have the option of either bespeaking the full copy of the folio or the proposed certified extract. The form was referred to a Committee to consider.

Council Meetings.

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

May 16th and 30th.

June 13th and 27th.

Committee Meetings.

THE following Committee meetings were held during April:—

Court and Offices, 3rd and 27th.

Gazette, 3rd.

House, Library and Finance, 16th.

Statutory, 19th.
Costs, 23rd.
Privileges, 25th.

Obituary.

MR. ROBERT NETTERVILLE BARRON, Solicitor; died upon the 24th April, 1917, at 34 Inchicore Road, Dublin.

Mr. Barron served his apprenticeship with his father, the late Mr. Edward N. Barron, Waterford, was admitted in Trinity Term, 1862, and practised formerly at Dungarvan, Co. Waterford, and subsequently at Lifford, Co. Donegal, up to the year 1902, when he retired.

Mr. Barron was for some time Registrar to the late Mr. William N. Barron, Chairman of Quarter Sessions for County Kerry, and subsequently he was for some time Registrar to the late Judge Webb, County Court Judge of Donegal.

MR. ROBERT J. FERGUSON, Solicitor, died upon the 26th April, 1917, at Dublin.

Mr. Ferguson served his apprenticeship with the late Mr. William D'Alton, 11 St. Stephen's Green, Dublin, was admitted in Trinity Sittings, 1881, and practised at 65 Dame Street, Dublin.

MR. JOHN E. SMYTHE EDWARDS, Solicitor, died upon the 28th April, 1917, at Dungiven, Co. Londonderry.

Mr. Edwards served his apprenticeship with Mr. Charles W. Black, 13 Donegall Square, Belfast, was admitted in Easter Sittings, 1904, and practised at Dungiven.

Roll of Honour.

SECOND-LIEUTENANT PHILIP J. FURLONG, King's (Liverpool) Regiment, previously reported missing, is now reported killed in action on the 30th July, 1916.

Second Lieutenant Furlong was apprenticed on the 18th March, 1909, to his father, the late Mr. Thomas J. Furlong, Solicitor, 11 Eustace Street, Dublin.

Military Cross.

THE Military Cross has been awarded to Captain John Ronan, Leinster Regiment, attached to the Machine Gun Section. Captain Ronan was admitted a Solicitor in Hilary Sittings, 1913.

Legal Appointment.

MR. HENRY M. P. HARE has been appointed Solicitor to the Irish Land Commission, in room of Mr. William Alexander, who has retired.

Commissioners to Administer Oaths.

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

- Thomas H. Gillespie, Clerk of Petty Sessions, Castlebar.
- Henry Ingram, Clerk of Petty Sessions, Dunfanaghy.

New Members.

THE following joined the Society during April, 1917:—

- Armstrong, William O., Kells.
- Reilly, Daniel J., Trim.

High Court Sittings, 1917.

EASTER Sittings will terminate on Wednesday, 16th May. Trinity Sittings will commence on Wednesday, 30th May, and will terminate on Tuesday, 31st July.

Professorship of Equity, Real Property Law, and Conveyancing.

THE Council will, at their meeting upon Wednesday, the 13th day of June, 1917, appoint a Professor of Equity, Real Property Law, and Conveyancing, in room of Mr.

Henry P. Mayne, B.A., T.C.D., whose term of office will expire at the end of Trinity Sittings. The new Professor will enter upon his duties next Michaelmas Sittings.

The appointment will be made for one year, and the Professor appointed will be eligible for reappointment for each of the four succeeding years.

A candidate for the Professorship must be either a practising Barrister or a practising Solicitor (in each case of not less than six years' standing), and he should send his application on or before the 31st May, 1917, to the Secretary.

The duties of the Professor consist of:— Delivering twelve lectures in Michaelmas Sittings, twelve lectures in Hilary Sittings, eighteen lectures in Easter and Trinity Sittings (making in all forty-two lectures in the year), the holding of a *viva voce* examination in the subjects of the lectures to ascertain if the apprentice be deserving of a certificate of attendance at the lectures, and (when required by the Council) examining at the Final Examination.

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

New Solicitors.

ADMISSIONS DURING APRIL, 1917.

Name	Served Apprenticeship to
Hamill, Goodlett	Robert Dickie, Roden Place, Dundalk.
Henry, Samuel	James Alexander, 44 Donegall Street, Belfast.
Liston, James Thomas	Patrick T. Liston, Rathkeale, Co. Limerick.
O'Donoghue, Albert	Francis J. Little, 24 St. Andrew Street, Dublin.
Pollock, George Hay	James C. Tweed, Larne, Co. Antrim.

Trinity Sittings Lectures, 1917.

LECTURES will be delivered to the Senior Class upon the following dates:—

June 1, 5, 8, 12, 15, 19, 22, 26.

Lectures will be delivered to the Junior Class upon the following dates:—

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

"Irish Life."

THE Society's copy of the above weekly illustrated paper will be sent by post six days after date of issue, weekly for one year from date of purchase, to any member desirous of having it, for the sum of one pound, on application to the Secretary.

Calendar of the Incorporated Law Society, 1917.

THE Calendar and Law Directory, published by the Society for 1917, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 2.]

June, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

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Vol. XI, No. 2.]

June, 1917.

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AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the Society was held on Wednesday, 16th May, in the Solicitors' Buildings, Four Courts, Dublin. Mr. John W. Richards, President, occupied the chair. The following members were present :—

T. G. Quirke (Vice-President), W. H. Fry (Vice-President), Sir A. F. Baker, A. E. Bradley, E. H. Burne, J. H. Callan, E. N. Edwards, C. G. Gamble, W. S. Hayes, James Henry, James Moore, A. H. S. Orpen, C. St. G. Orpen, Patrick Rooney, W. V. Seddall, Henry Shannon, W. J. Shannon, W. T. Sheridan, R. A. Macnamara, H. J. Synnott, Basil Thompson, J. H. Walsh, R. G. Warren, R. B. White, H. D. Draper, John O'Sullivan, E. S. Lowe, D. A. Quaid, H. C. Neilson, A. G. Joyce, W. J. Ryan, M. Noyk, John Moran, James Brady, A. Lane-Joynt, Samuel Kerr, B. M. O'Grady, M. E. Knight (Clones), N. L. Moran, Daniel O'Grady, C. Moran, F. V. Gordon, E. J. Kenny, R. Stephenson, H. O'B. Moran (Limerick), G. M. Collins, J. K. Woods, J. D. O'Connell (Tralee), Sidney Bell, J. M. McDowell, F. E. Birmingham, W. H. Geoghegan, R. T. Holmes, J. T. Doyle, J. G. Lidwell, E. J. O'Farrell, A. T. Ellis, James O'Brien (Nenagh), C. C. Shaw.

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

The President nominated the following members to act as Scrutineers of the ballot

for election of Council, to be held next November :—Mr. E. F. Collins, Mr. M. Dawson, Mr. J. Dyas, Mr. W. Geoghegan, and Mr. H. P. Mayne.

Mr. Quirke moved, and Mr. W. Houghton Fry seconded, and it was resolved that the following be appointed Auditors of the Accounts of the Society for the period from 12th May, 1916, to 30th April, 1917 :—Mr. W. W. Carruthers, Mr. David B. Dunne, and Mr. T. A. Ireland.

President's Address.

THE PRESIDENT, in the opening portion of his address, referred to the war, and to the fact that 118 Irish Solicitors and 76 Apprentices of Solicitors had joined His Majesty's forces. Of these, fourteen Solicitors and eight Apprentices had given up their lives, including the following reported since last November :—Captain Ivan H. Garvey, Second-Lieutenant J. S. Boal, Second-Lieutenant P. J. Furlong, and Lance-Corporal Herbert S. Findlater. The following had received the Military Cross :—Captain John Ronan, Captain James G. E. Fitzgerald, and Lieutenant Thomas B. L. Disney. The President went on to refer in sympathetic terms to the deaths of the following members of the profession which had occurred since the last Half-yearly Meeting :—Sir Benjamin Whitney, Mr. P. K. White, Sir P. Coll, K.C.B.; Mr. T. O'Meara, and Mr. R. Netterville Barron. He offered the congratulations of the Society to Sir J. H. Campbell on his elevation to the post of Chief Justice, and to Mr. James O'Connor, a former member

of the Solicitors' profession, and the first of that profession in Ireland to attain to the office of Attorney-General.

Measuring of Costs.

The Council had sent forward a strong statement to the Lord Chief Justice and to each of the other Judges of the King's Bench Division on the subject of measuring costs of motions, and the great injustice occasioned thereby, not only to Solicitors, but to their clients. This was a very important matter, and one which he would wish to bring before them. They had had a number of complaints from time to time from Solicitors referring to cases in which the successful party in a motion had been deprived of the costs payable by the other side, to which they were legitimately entitled, owing to a Judge measuring the costs of the motion at £3 3s. or £4 4s. This was not only unfair to the Solicitor, but was unfair to the client, because a Solicitor could not be expected to keep up an expensive office, pay clerks, scriveners, etc., unless he got the costs to which he was legitimately entitled. Now, in some of these cases where the Judge awarded a sum for costs, after paying the fee to counsel, the Commissioner's fee or fees for affidavits, filing fees, etc., the Solicitor only got a few shillings to cover all his costs in the matter, and out of these he had to pay for the scrivenery, making up the briefs, etc. This was really a great injustice to the client as well as to the Solicitor, because the Solicitor would have to get paid by his client the difference between the measured costs and the costs to which he was legitimately entitled, and a client who had been successful in a motion could not understand why he and not the beaten party should pay any costs. This practice of measuring costs, if persisted in, would ultimately—in the case, at any rate, of final judgment motions—lead to their being abandoned in many cases, with the result that a speedy and inexpensive mode of trying a case would cease to be adopted, and the action would be allowed to go on to a full trial. They were getting letters from numerous Solicitors all through Ireland pointing out that, while the price of everything was increasing, and while extra wages and war bonuses were being

given in various trades and businesses, the only business in which the remuneration did not increase in accordance with the increase in living was the Solicitors' profession. Surely it was hard then that Judges should, without any special circumstances in the case, prevent a Solicitor from receiving the full fees to which he was legitimately entitled.

House of Lords Appeals.

They had also had to consider recently the costs of appeals from this country to the House of Lords. It might, perhaps, surprise some of the members to learn that there never had been up to the present a schedule of fees in relation to Irish appeals, although there was an existing schedule as regards English and Scottish appeals. The Judicial Taxing Officer of the House of Lords had been in correspondence with them on the subject, and sent for their consideration a proposed schedule of fees. A special committee of the Council went fully into this schedule, having before them also the English and Scottish schedules, and they suggested a number of alterations. He was glad to be able to report that the Taxing Officer agreed to nearly all their amendments, and stated that should any further points arise on the schedule in the future he would be happy to consider the views of the Council.

Reconstruction of Dublin.

The Dublin Reconstruction Emergency Bill was sent to them after it had been amended in Committee, and was carefully considered by a Special Sub-Committee of the Council. They objected strongly to the Register of Charges to secure the advances made under the provisions of the Bill being kept by the Dublin Corporation, as provided in the Bill, on two strong grounds. In the first place, there was no machinery in the Corporation to keep such a register, whereas there were at least two Government departments which had officials skilled in forming and keeping a register, viz., the Registry of Deeds and the Land Registry. And in the second place it would necessitate in future dealings with the property that not alone would a Solicitor, when making title,

have to search in the Registry of Deeds and also in the Land Registry (in case the land or any interest in it was subject to that registry), but he would also have to search in a new registry kept by the Corporation. They accordingly drafted an amendment providing that the register should be kept in the Registry of Deeds, which was sent forward to the Chief Secretary, and which was successfully moved by a member of the Council, Mr. Patrick Brady, whose exertions in this and in all other matters in which the interests of the Society and the Solicitors of Ireland were involved could not be too highly praised. The Sub-Committee appointed in connection with this proposed Act had also several interviews with the Examiner of the Land Judge's Court, who had charge of the drafting of the rules under the Act. At some of the Committee's meetings the Solicitors for the Dublin Corporation and for the property owners attended. Certain of the suggested alterations were adopted by the Land Judge's Examiner. He thought he ought not to let this opportunity pass without referring to the great care and skill with which the Examiner, Mr. Dick, prepared these very complicated rules and forms dealing with an absolutely new procedure, particularly in reference to easements. In the course of these interviews it became manifest that it would be necessary for various reasons to have an amending Bill in order to make the principal Act work smoothly. A short Bill was drafted and submitted to the Committee, and, while they could not, of course, be the promoters of the Bill in question, they expressed their strong approval of the amendments it proposed to carry out. They understood that the Bill, as drafted, was sent forward to the Chief Secretary.

In conclusion, the President stated that many other matters had been dealt with by the Council during the past six months, and references to them had been made in the Society's GAZETTE.

Recruiting in Ireland.

MR. A. LANE-JOYNT proposed the following resolution:—

“That, notwithstanding that Ireland is excluded from the Military Service Act, it

is the duty of every member of the profession and their assistants of military age to offer their services in His Majesty's Forces, and that the Bar Council be asked to pass a similar resolution in reference to the Bar of Ireland.”

He said the legal profession in both its branches had given many and distinguished members to the roll of honour, and he thought the noblest memorial they could offer to those who had given their lives would be the fact that there was not a single member of military age who was not ready to follow the path of duty for duty's sake alone. He ventured to hope that the Bar of Ireland and the Solicitors' profession would co-operate in the matter, and formulate a scheme to conserve the professional interests of their brethren on active service.

MR. GAMBLE, while agreeing with the sentiments in the speech delivered by Mr. Joynt, thought the resolution should not be persisted in.

MR. S. KERR formally seconded the resolution.

MR. GEOGHEGAN moved, as an amendment:—

“That we recognise the services rendered by the Solicitors' profession and their apprentices, and we trust that in view of the extension of the military age to that of 50, a larger number may offer their services to the military forces.”

MR. QUAID seconded the amendment.

MR. JAMES BRADY said that he often thought that the Defence of the Realm Act should be put into operation to assist recruiting. It was quite plain and palpable that the entire of this movement in its early stages had been taken in hand by one particular class of people, and that others were ignored and their suggestions unnoticed.

On being put to the meeting the President declared the amendment carried.

MR. H. O'B. MORAN, Limerick, moved that the discussion of the amendment standing in the name of Mr. Geoghegan be adjourned until the British Government apply, in practical form, in accordance with

its professed wish, the principle of freedom for small nationalities to this country.

THE PRESIDENT.—I don't think that resolution has anything to do with the present matter at all.

MR. MORAN.—It is proposing to adjourn all this matter until a certain matter takes place.

THE PRESIDENT said the amendment proposed by Mr. Geoghegan was carried. He then asked the meeting if it should be treated as a substantive motion, and no one said no. Mr. Moran did not speak to the amendment, and he now declared the amendment had been passed as a substantive motion.

MR. QUAID said it was inconsistent with the policy of the Incorporated Law Society to introduce anything political, and he asked the President to rule Mr. Moran's amendment out of order.

THE PRESIDENT ruled Mr. Moran's amendment out of order, and said that at the beginning he felt in a difficulty when Mr. Joynt moved his motion as to whether it was in order or not.

MR. MORAN addressed the President, and asked that he should get fair play.

THE PRESIDENT.—The meeting is now closed.

MR. J. D. O'CONNELL (Tralee) asked to be heard, and said he came specially from Tralee, and Mr. Moran from Limerick, and he requested the production of the correspondence dealing with Mr. Moran and the military authority.

THE PRESIDENT.—I declare the meeting over.

The meeting then ended.

Meetings of the Council.

May 2nd.

Taxation of Costs.

A letter was read in reply from the Lord Chancellor's Secretary stating that His

Lordship is giving the whole matter of the delay in obtaining taxation of costs his most careful consideration.

District Probate Registries.

The Treasury having intimated that they desired the practice of Solicitors remitting to District Registrars the money for the purchase of Court fee funds upon applications for grants, or for documents bespoken, should be discontinued, and that in future Solicitors should themselves obtain and forward with their applications the necessary fee fund stamps; a resolution was adopted by the Council urging that the practice should be allowed to be continued, and a copy of this resolution, together with a memorandum pointing out the difficulties which would arise consequent upon such a discontinuance, were directed to be sent to the Treasury.

May 16th.

Obtaining of Grants through Customs and Excise Officers.

A member of the profession having been instructed to take out Probate by an Executrix, the instructions were subsequently cancelled, and the Solicitor received a letter from a Customs and Excise Officer stating that he had been instructed by the Executrix to take out probate, and requesting the Solicitor to send him the Will. The Solicitor laid the facts before the Council. The Council having communicated with the Board of Customs and Excise, a letter was read in reply from the Assistant Secretary, Estate Duty Office, Somerset House, stating that had the officer been aware that the Executrix had previously instructed the Solicitor to obtain a grant, he would have refrained from sending the communication asking for the Will.

Law Clerk.

A report was submitted from the Court of Examiners upon an application by a Law Clerk for leave to be bound under Section 16. The Council granted the application.

May 30th.

District Probate Registries.

A letter in reply was read from the Treasury stating that they do not propose, as at present advised, to take any further steps in connection with the practice of the receipt by District Probate Registrars of certain fees in cash in lieu of stamps.

Council Meetings.

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

June 27th.

July 11th and 25th.

Committee Meetings.

THE following Committee meetings were held during May :—

Statutory, 3rd, 10th, 11th and 24th.

Costs, 7th.

Court of Examiners, 7th.

Gazette, 9th.

Obituary.

MR. JAMES F. POWER, Solicitor, died upon the 3rd May, 1917, at his residence, Cumberland Street, Birr.

Mr. Power served his apprenticeship with Mr. Peter C. McGough, 15 Upper Fitzwilliam Street, Dublin, and Mr. George D. Fottrell, 46 Fleet Street, Dublin, was admitted in Michaelmas Sittings, 1886, and practised at Birr.

MR. CHARLES O'DOHERTY, Solicitor, died upon the 22nd May, 1917, at Londonderry.

Mr. O'Doherty served his apprenticeship with Mr. Joseph Alexander, Belfast, was admitted in Hilary Sittings, 1906, and practised at Londonderry.

MR. ARNOLD LE POER POWER, Solicitor, died upon the 31st May, 1917, at his residence, Abbey View, Clonmel.

Mr. Power served his apprenticeship with the late Mr. Thomas K. Roche, 4 St. Stephen's Green, Dublin, was admitted in Michaelmas Sittings, 1879, and practised at Clonmel.

In the year 1889 Mr. Power was appointed Sub-Sheriff for the County of Tipperary, which office he occupied up to the time of his death.

Commissioner to Administer Oaths.

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

Albert E. Prentice, Solicitor, 60 Dawson Street, Dublin.

New Members.

THE following joined the Society during May, 1917 :—

Allen, Francis J., 23 Anglesea Street, Dublin.

Lucey, Timothy, Macroom.

MacCabe, Aidan E. R., Cavan.

Maxwell, Richard W., 40 North Great George's Street, Dublin.

O'Grady, Daniel, 22 Mary Street, Dublin.

O'Hagan, Patrick J., Newry.

New Solicitors.

ADMISSIONS DURING MAY, 1917.

Name	Served Apprenticeship to
Caruth, George Bellis ..	James Caruth, Ballymena.
Maginess, Henry	William G. Maginess,
Augustus ...	Lisburn.

Intermediate Examination.

THE July Intermediate Examination will be held on Monday, 2nd July, at 10 o'clock a.m. Notices from Apprentices intending to present themselves for the examination should be lodged in the Secretary's Office on or before 16th June.

Summer Assizes, 1917.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, on Monday, July 2nd, at 11.30 o'clock.

Co. Louth.—At Dundalk, on Wednesday, July 4th, at 11 o'clock.

Co. Monaghan.—At Monaghan, on Friday, July 6th, at 11 o'clock.

Co. Armagh.—At Armagh, on Tuesday, July 10th, at 11 o'clock.

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

Co. Antrim.—At Belfast, on Tuesday, July 17th, at 1 o'clock.

City of Belfast.—At Belfast, on Thursday, July 19th, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Ross, the Right Hon. Mr. Justice Dodd.

Registrars.—Mr. Stuart C. Ross, Oatlands, Stillorgan Road, Co. Dublin; Mr. Huston Dodd, 26 Fitzwilliam Square, Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, Monday, July 2nd, at 11.30 a.m.

Co. Longford.—At Longford, Wednesday, July 4th, at 11 a.m.

Co. Cavan.—At Cavan, Friday, July 6th, at 11 a.m.

Co. Fermanagh.—At Enniskillen, Tuesday, July 10th, at 11 a.m.

Co. Tyrone.—At Omagh, Thursday, July 12th, at 11 a.m.

Co. Donegal.—At Lifford, Monday, July 16th, at 11 a.m.

Co. Derry.—At Londonderry, Wednesday, July 18th, at 11.30 a.m.

Co. of the City of Londonderry.—At Londonderry, Thursday, July 19th, at 10.30 a.m.

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

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

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Tuesday, July 3rd, at 11 o'clock.

Co. Limerick.—At Limerick, Saturday, July 7th, at 11 o'clock.

City of Limerick.—At Limerick, Saturday, July 7th, at 11 o'clock.

Co. Kerry.—At Tralee, Thursday, July 12th, at 12.30 o'clock.

Co. Cork.—At Cork, Thursday, July 19th, at 11.30 o'clock.

City of Cork.—At Cork, Saturday, July 21st, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Pim, and the Right Hon. Mr. Justice Gordon.

Registrars.—Mr. J. H. Nunn, Bective, Pembroke Park, Dublin; and Mr. Francis Kennedy, 2 Leeson Park, Dublin.

LEINSTER CIRCUIT.

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

Co. Wexford.—At Wexford, Thursday, 5th July, at 11 o'clock.

Co. Waterford.—At Waterford, Saturday, 7th July, at 12 o'clock.

Co. of the City of Waterford.—At Waterford, Saturday, 7th July, at 12 o'clock.

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

Co. Tipperary (North Riding).—At Nenagh, Friday, 13th July, at 11 o'clock.

Queen's Co.—At Maryborough, Monday, 16th July, at 11 o'clock.

Co. Kilkenny.—At Kilkenny, Wednesday, 18th July, at 11 o'clock.

Co. Carlow.—At Carlow, Friday, 20th July, at 11.30 o'clock.

Co. Kildare.—At Naas, Saturday, 21st July, at 11 o'clock.

Judges.—The Right Hon. Lord Justice Ronan, and the Right Hon. Lord Justice Molony.

Registrars.—Mr. Walter B. Ronan, 45 Fitzwilliam Square, Dublin; Mr. Wm. T. Sheridan, 1 Elgin Road, Dublin.

CONNAUGHT CIRCUIT.

King's Co.—At Tullamore, Monday, July 2nd, at 11.30 a.m.

Co. Leitrim.—At Carrick-on-Shannon, Wednesday, July 4th, at 2.30 p.m.

Co. Sligo.—At Sligo, Saturday, July 7th, at 11 a.m.

Co. Mayo.—At Castlebar, Tuesday, July 10th, at 12.30 p.m.

Co. Roscommon.—At Roscommon, Saturday, July 14th, at 11 a.m.

Co. Galway.—At Galway, Tuesday, July 17th, at 12 noon.

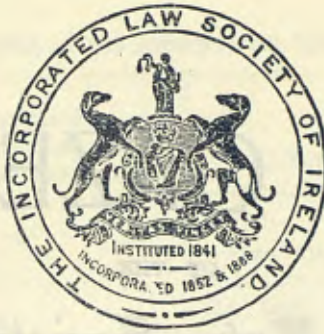
Judges.—The Right Hon. the Lord Chief Justice of Ireland, and the Right Hon. Mr. Justice Kenny.

Registrars.—Colonel William Campbell, Glenavy, Milltown, Co. Dublin; and Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

Calendar of the Incorporated Law Society, 1917.

THE Calendar and Law Directory, published by the Society for 1917, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 3.]

July, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 13th.

Representation of the People Bill.

The following resolution was passed, and copies directed to be sent to those Ministers whose names are on the back of the Bill, and to all Members for Irish constituencies:—

RESOLVED:—

The Council are of opinion that the duties to be performed by Registration Officers under the Bill are such as to require that those Officers should be persons who have had legal training and experience, and the Council approve of the provision contained in Clause 31 (3) (page 19) of the Bill, whereby the Clerks of the Crown and Peace in Ireland are constituted Registration Officers. The Council are of opinion that the Clause referred to should be amended so as to provide for the payment to Registration Officers of all proper and reasonable charges for trouble, care, and attention in the performance of their duties.

The Council strongly urge that Rule 29 (page 27) of the Registration Rules, contained in the First Schedule to the Bill, should be amended so as to limit the right of audience upon the hearing of claims and objections before the Registration Officer to any person interested, or a Solicitor on his behalf. The Council are of opinion that, in the interests of the administration of justice, the examination of witnesses and the discussion of questions of law on

behalf of the parties concerned before Registration Officers, should be conducted by Solicitors for the parties; and not by persons who have no legal training or knowledge.

Supreme Court Rules.

A resolution was submitted from the General Council of the Bar advocating the deletion from Rule 38 of Order LIX. of the Rules of the Supreme Court of the limitation of the costs of a case stated to £10. The Council passed a similar resolution, and directed that a copy be sent to the Lord Chancellor's Secretary, to be submitted to the next meeting of Supreme Court Rule-making Authority.

Examination Results.

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

June 27th.

Land Law Appeal Decisions.

The Council having requested the Judicial Commissioners to direct that the decisions in Land Law appeals should be communicated to the Solicitors on record for the respective parties, a letter in reply was read stating that the Judicial Commissioners are willing in the present position of Land Law appeals to direct that the decisions of the Court should be communicated to the

Solicitors on record for the respective parties in addition to the communications sent to the parties direct, and that the change in practice will come into operation immediately.

Council Meetings.

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

July 25th.

October 3rd, 17th and 31st.

Committee Meetings.

THE following Committee Meetings were held during June:—

Costs, 5th, 15th and 22nd.

Privileges, 7th.

Statutory, 8th, 19th and 29th.

Court of Examiners, 11th and 22nd.

Gazette, 12th.

County Courts, 21st.

Obituary.

MR. MAURICE MOLONY, Solicitor, died upon the 1st June, 1917, at his residence, Roden Place, Dundalk.

Mr. Molony served his apprenticeship with the late Mr. Michael C. Moynagh, Dundalk, was admitted in Hilary Sittings, 1905, and practised at Dundalk.

MR. FRANCIS J. O'CONNOR, Solicitor, died upon the 1st June, 1917, at his residence, Gortmore House, Omagh.

Mr. O'Connor served his apprenticeship with Mr. Francis Shields, Omagh, was admitted in Hilary Sittings, 1892, and practised at Omagh.

MR. THOMAS SCANLAN, Solicitor, died upon the 6th June, 1917, at Dublin.

Mr. Scanlan served his apprenticeship with the late Mr. Richard Ashe, Macroom, was admitted in Trinity Sittings, 1890, and practised at Bandon up to the year 1915.

Military Cross.

THE Military Cross has been awarded to Lieutenant William A. Lane, Army Service Corps.

Lieutenant Lane was admitted a Solicitor in Hilary Sittings, 1908, and is a member of the firm of Messrs. Lane and Boyle, of Limavady.

New Members.

THE following joined the Society during June, 1917:—

Mcagher, James A., 12 Westmoreland Street, Dublin.

O'Meara, David J., Mallow.

Commissioners to Administer Oaths.

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

William H. Clarke, Clerk of Petty Sessions, Cavan.

James S. Douglas, Clerk of Petty Sessions, Dungiven.

Edward Reilly, Clerk to Urban District Council, Belturbet.

William Sheehan, Clerk to Urban District Council, Fermoy.

Joseph Tapley, Insurance Agent, Fermoy.

Recent Decision affecting Solicitors.

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

COYLE v. NASH.

June 12th, 1917.—*Courts (Emergency Powers) Acts, 1914 to 1916—Costs of Summons by mortgagee for liberty to institute proceedings by way of Originating Summons to realise by sale the amount due on mortgage.*

In giving the plaintiff mortgagee liberty to issue an Originating Summons the Master of the Rolls said a mortgagee was entitled

to his costs of all necessary proceedings with his demand, and accordingly in future the practice in his Court would be to allow the full costs of any proceedings rendered necessary under the Courts (Emergency Powers) Acts, 1914 to 1916, and that such costs would not be measured but taxed in the ordinary way, but that Counsel would not be allowed on the hearing of such applications, unless there was some special difficulty in the case.

Mr. Phelps, B.L. (instructed by Messrs. P. S. Connolly & Co.), who appeared for the plaintiff, stated that a rule had been adopted by the Bar that on these summonses, when Junior Counsel was instructed, a fee of one guinea should be accepted.

(Communicated by Solicitor.)

Examination Results.

At the Preliminary Examination, held upon the 17th and 18th days of May, the following passed the Examination, and their names are arranged in order of merit:—

1. Frank Thornton.
2. Patrick J. Callery.
3. John J. Connolly.
4. Patrick Liston
- Robert N. McMahon } equal.

John Cusack, Michael J. Spears, and Alexander Sutherland passed the modified Preliminary Examination for which they had liberty to present themselves.

Twelve candidates attended: eight passed; four were postponed.

PRELIMINARY EXAMINATION PRIZES; 1916-17.

The Council have awarded a Special Certificate to Samuel Love.

At the Final Examination, held upon the 21st, 22nd and 23rd days of May, the following passed the examination, and their names are arranged in order of merit:—

1. Daniel J. Browne.
2. Aloysius J. Reddy, B.A., N.U.I.
3. Francis J. MacCabe.
4. John K. S. Reddin.

5. Frederick M. Duffy.
6. Raymond C. Meredith.
7. David McIlvennan.
8. Louis O. Owens.
9. James Fagan.
10. William P. P. Cahill.
11. Charles Magwood.
12. Thomas Dunbar.

The Council have awarded a Gold Medal to Daniel J. Browne, and a Special Certificate to Aloysius J. Reddy, B.A., N.U.I.

Nineteen candidates attended: twelve passed; seven were postponed.

New Solicitor.

ADMISSION DURING JUNE, 1917.

<i>Name</i>	<i>Served Apprenticeship to</i>
Duffy, Frederick M. ...	Edward Phelan, Carrickmacross.

Solicitors' Apprentices' Debating Society.

THE following Officers have been elected for the Session 1917-18:—

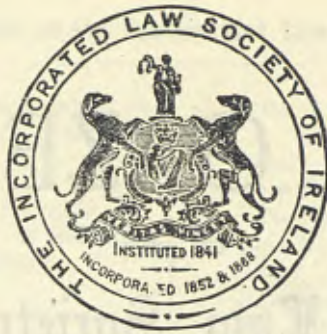
Auditor—Barry I. Sullivan.

Secretary—Philip H. O'Reilly.

Treasurer—W. Devoy.

Committee—P. J. Rutledge, W. D. Mockler, J. A. Binchy, D. D. MacDonald, S. H. Forsythe, W. T. M'Menamin, J. J. Early.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 4.]

August, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 4.]

August, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 11th.

Examination Results.

The report of the Court of Examiners upon the July Intermediate Examination was submitted. The results appear in this GAZETTE.

Law Clerks.

The report of the Court of Examiners upon two applications from Law Clerks for leave to be bound under Section 16 was submitted. The Council granted both applications.

July 25th.

The Irish Convention.

A letter was read in reply from the Under-Secretary for Ireland acknowledging the offer of the Council of the premises of the Society for the holding of the meetings of the Irish Convention.

Law Clerks.

Two memorials from Law Clerks applying for modified preliminary examinations under Section 18 were considered, and it was decided to express concurrence with the granting of the application in both cases.

Council Meetings.

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

October 3rd, 17th and 31st.

Committee Meetings.

THE following Committee Meetings were held during July:—

Court of Examiners, 9th.

Gazette, 9th.

Statutory, 12th, 20th and 31st.

House, Library and Finance, 18th.

County Courts, 18th.

Costs, 24th.

Roll of Honour.

Second Lieutenant Robert Kelly Pollin, Royal Irish Rifles, was killed in action on 31st July, 1917. Second Lieutenant Pollin was apprenticed on the 14th day of December, 1915, to his father, Mr. J. M. Pollin, of the firm of Robert Kelly and Son, Belfast.

Second Lieutenant Vincent Connell Byrne, Royal Irish Rifles, was killed in action on 31st July, 1917. Second Lieutenant Byrne was apprenticed on 11th July, 1912, to Mr. George J. Hoey, 12 Trinity Street, Dublin.

Military Honours.

THE President of the French Republic has conferred the Legion D'Honneur, Croix De Chevalier, on Captain Charles C. Craig, M.P., Royal Irish Rifles.

Captain Craig was admitted a Solicitor in Easter Sittings, 1891, and practised at Belfast up to the year 1903.

The President of the French Republic has awarded the Medaille Militaire to Sergeant Robert W. Glass, Royal Irish Rifles.

Sergeant Glass was admitted a Solicitor in Easter Sittings, 1895, and practises at Banbridge.

The Military Cross has been awarded to Lieutenant T. Frank Monks, Royal Field Artillery.

Lieutenant Monks was admitted a Solicitor in Michaelmas Sittings, 1911, and practises with his father, Mr. Thomas F. Monks, 27 Molesworth Street, Dublin.

Lieutenant A. Nickson Callaghan, The King's (Liverpool) Regiment; has been mentioned in despatches.

Lieutenant Callaghan was apprenticed on the 9th January, 1914, to Mr. Arthur W. Stirling, 52 Dame Street, Dublin.

The Military Cross has been awarded to Captain William W. M. Knight, Royal Inniskilling Fusiliers. Captain Knight was admitted a Solicitor in Hilary Sittings, 1913, and practises at Lisnaskea.

Library.

THE attention of Members is asked to the following list of books which are missing from the Library. The Council request that Members will have inquiry made to ascertain whether any of these books are in their offices. The Council would be glad of the books being returned to the Library.

Annual County Court Practice, Vol. 2, 1908.

Burke's Landed Gentry, Vol. 2, 9th edition.

Conner: Fisheries (Ireland) Acts, 1908.

Clerly, Kennedy and Dawson: Town Tenants.

Greene: Bills of Sale.

Henry: Costs, Part 1.

Irish Law Times Reports, Vols. 1, 2, 3, 4, and 7.

Kerr: Injunctions, 5th edition.

Law Reports Statutes, 1869 and 1877.

Law Reports (Probate), 1914.

Law Reports (1902), 2 K. B.

Legal Diary, 1911.

Law Times Reports, Vols. 34, 44 and 49.

Mecredy: Fee Farm Grants.

Underhill: Torts, 1900.

Walker: Land Purchase, and Supplement.

Wolstenholme: Conveyancing, 1913.

Weekly Notes, 1911.

New Members.

THE following joined the Society during July, 1917:—

Dunlevy, James, Donegal.

Rogers, Patrick E., Ballyshannon.

Commissioner to Administer Oaths.

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

David Beatty, Auctioneer, Dungiven.

The Irish Convention.

THE following members of the Solicitors' profession are members of the Irish Convention at present assembled in reference to the future government of Ireland:—

Mr. James Dunlevy, Donegal.

Mr. Thomas J. S. Harbison, Cookstown.

Mr. Michael E. Knight, Clones.

Mr. Alexander McDowell, Belfast.

Mr. Charles P. O'Neill, Dublin.

Colonel Robert H. Wallace, C.B., Downpatrick.

Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915.

Courts (Emergency Powers) Acts.

SECTION 1 (2) of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, provides that "A person shall not in

“ consideration of the grant, renewal, or
 “ continuance of a tenancy of any dwelling-
 “ house to which this Act applies require the
 “ payment of any fine, premium, or other
 “ like sum in addition to the rent, and where
 “ any such payment has been made in
 “ respect of any such dwellinghouse after
 “ the twenty-fifth day of November, nineteen
 “ hundred and fifteen, then the amount shall
 “ be recoverable by the tenant by whom it
 “ was made from the landlord, and may
 “ without prejudice to any other method of
 “ recovery be deducted from any rent pay-
 “ able by him to the landlord, but this
 “ provision shall not apply to any payment
 “ under an agreement entered into before
 “ the fourth day of August, 1914.”

The Act applies in Ireland to a house or part of a house let as a separate dwelling, where such letting does not include any land other than the site of the dwelling-house and a garden or other premises within the curtilage of the dwelling-house, and where either the annual amount of the standard rent or the rateable value of the house or part of the house does not exceed twenty-six pounds.

Section 2 of the Courts (Emergency Powers) (No. 2) Act, 1916, provides that
 “ (1) A County Court may authorise the
 “ grant of a new lease for a term of twenty-
 “ one years or upwards of a dwelling-house
 “ to which the Increase of Rent and
 “ Mortgage Interest (War Restrictions) Act,
 “ 1915, applies, in consideration for which a
 “ fine, premium, or other like sum, in
 “ addition to the rent is required, if the
 “ Court is satisfied that the terms of the
 “ tenancy are on the whole not less favour-
 “ able to the tenant than the terms on which
 “ the dwellinghouse was previously let, and
 “ in such cases sub-section (2) of section one
 “ of the said Act shall not apply.”

The Council, early in the present year, requested the Solicitor-General for England to introduce a clause into the next Courts Emergency Bill, so as to facilitate the letting on long lease, in consideration of a fine, of houses which previously have not been let, and to which Sub-section (2) of the Increase of Rent and Mortgage Interest (War

Restrictions) Act, 1915, would apply, and a reply was received from the Solicitor-General stating that the matter would receive attention.

The Courts (Emergency Powers) Act, 1917, passed upon 10th July, 1917, provides by Section 4 (1) as follows:—“ Sub-section (2) of Section One of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, shall not apply to a lease of a dwelling-house for a term of twenty-one years or upwards. (2) Section Two of the Courts (Emergency Powers) (No. 2) Act, 1916, is hereby repealed.”

Workmen's Compensation Act, 1906.

Consolidated Workmen's Compensation (Ireland) Rules, 1917.

THE above Rules, which are dated the 9th day of May, 1917, came into operation on the first day of July, 1917. They apply to all proceedings taken in cases pending on that day where the accident happened after the 30th day of June, 1907. The Workmen's Compensation Rules (Ireland), 1907, and all Workmen's Compensation Rules of subsequent date, are annulled by the new Rules.

The Rules can be obtained from Messrs. E. Ponsonby, Ltd., 116 Grafton Street, Dublin, for ninepence, by post elevenpence-halfpenny.

General Order in Lunacy.

By General Order dated 13th March, 1917, made by the Lord Chancellor, it is directed that from the date of the Order all contracts in Lunacy matters in which the vendor is the person of unsound mind, for the sale of land as defined by the Lunacy Regulation (Ireland) Act, 1871, shall be expressed to be subject to the conditions set out in the second part of the Schedule to the General Order, and that where the sale is by Public Auction, the Conditions of Sale as settled by the Registrar in Lunacy shall include the conditions set out in both parts of the said Schedule.

Examination Results.

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

CLASS I.

1. Henry A. Rutherford.
2. Patrick F. Verrington.
3. Martin J. Molloy.
4. James R. F. Ryan.
5. Bernard A. Lee.
6. Thomas Elliott.
7. Michael Dorgan } equal
Bernard B. Hoy }
9. John A. Murphy.
10. Arthur J. Beatty.
11. James J. Blake.
12. Samuel H. Forsythe.

CLASS II.

1. John D. Ross.
2. Samuel A. French.
3. David D. MacDonald.
4. Francis E. Scallan.
5. Edmond R. McDonnell.
6. Gerard Feeny.
7. Vincent P. McMullin.
8. Edward MacDermott.

Twenty-three candidates attended: 20 passed; 3 were postponed.

New Solicitors.**ADMISSIONS DURING JUNE, 1917.**

Name	Served Apprenticeship to
Browne, Daniel J. ...	Joseph Mangan, Tralee, and John O'Connell, Tralee.
Cahill, William P. P. ...	Maurice Healy. M.P., Cork.
Dunbar, Thomas O'B. ...	M. J. O'Connor, Wexford.
Fagan, James ...	Christopher Friery, Dublin.
Magwood, Charles ...	W. Gordon Bradley, Dublin.
Reddin, J. Kenneth Sheils ...	John J. Beatty, Dublin.
Reddy, Aloysius Joseph ...	Charles J. Reddy, Dublin.

Dates of October Examinations.

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

October 4th and 5th—Preliminary (notices of intending candidates to be lodged in the Secretary's Office before 18th September).

October 8th—Intermediate (notices of intending candidates to be lodged in the Secretary's Office before 24th September).

October 9th, 10th and 11th—Final (notices of intending candidates to be lodged in the Secretary's Office before 22nd September).

Michaelmas Sittings Lectures.

PROFESSOR MCKEEVER will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Michaelmas Sittings, 1917 :—

October 26, 30.

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

December 4.

Books recommended to be read by Apprentices attending the lectures :—

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

PROFESSOR WHITE will deliver lectures to the Junior Class upon Common Law on the following dates in Michaelmas Sittings, 1917 :—

October 25, 29.

November 1, 5, 8, 12, 15, 19, 22, 26, 29.

December 3.

Books recommended to be read by Apprentices attending the lectures :—Anson on Contracts; Ringwood on Torts.

The lectures to both classes will be delivered at 4 o'clock p.m., in the Lecture Theatre of the Society, Solicitors' Buildings, Four Courts.

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

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

The first witness called was ...

The second witness called was ...

The third witness called was ...

The fourth witness called was ...

The fifth witness called was ...

The sixth witness called was ...

The seventh witness called was ...

The eighth witness called was ...

The ninth witness called was ...

The tenth witness called was ...

The eleventh witness called was ...

The twelfth witness called was ...

The thirteenth witness called was ...

The fourteenth witness called was ...



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI., No. 5.]

November, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.]

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THE GAZETTE

OF THE GOVERNMENT OF INDIA

PART II

SECTION 3

Sub-section (1)

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI., No. 5.] November, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.]

Meetings of the Council.

OCTOBER 3rd.

Registration of Business Names Act.

In reply to a Country Member the Council expressed the opinion that where a Solicitor is carrying on business under a name other than his own, and has to register under Section 1 of the Act, it is obligatory under Section 18 of the Act to mention his own name, as well as the name under which he practises, in Sessions Lists issued by him.

OCTOBER 17th.

Kingstown Sessions.

A letter was read from the Town Clerk of Kingstown, sending a resolution of the Urban District Council stating the Council had reason to believe a petition had been presented for the removal of the Sittings of the Recorder's Court from Kingstown to Dublin, and resolving to oppose such removal. It was decided to request the opinion of the Dublin Sessions Bar on the matter.

Law Clerks.

A report was submitted from the Court of Examiners upon applications from five Law Clerks for leave to be bound under Section 16. Two of the applications were granted, and three were refused.

OCTOBER 31st.

Examination Results.

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

Special Examiners.

The Council re-appointed Mr. C. H. DENROCHE, B.A., LL.B., R.U.I., and Mr. F. V. GORDON, B.A. (ex-Scholar) T.C.D., Special Examiners for 1918.

Annual Report.

The Annual Report of the Council was considered and adopted.

Council Meetings.

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

November, 14th and 28th.

December, 5th and 12th.

Committee Meetings.

The following Committee Meetings were held during October:—

Court of Examiners, 1st, 5th and 29th.
Costs, 16th.

House, Library and Finance, 26th.

Annual Report, 24th.

Ballot for Election of Council.

The ballot for the election of the Council will take place in the Secretary's Office between the hours of eleven o'clock a.m. and one o'clock p.m. on Wednesday, the 21st day of November, 1917. Ballot papers returned by post should be posted so as to reach the Secretary not later than one o'clock p.m. on Wednesday, the 21st November, 1917.

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, Solicitors' Buildings, Four Courts, on Monday, the 26th November, 1917, at two o'clock p.m. The report of the outgoing Council will be submitted for adoption.

Obituary.

MR. WILLIAM J. WHITE, Solicitor, died upon the 30th August, 1917, at Belfast.

Mr. White served his apprenticeship with Mr. Charles E. Murphy, Cootehill, was admitted in Trinity Sittings 1912, and practised at Cootehill and Castleblayney.

MR. FREDERICK GIFFORD, Solicitor, died upon the 19th September, 1917, at his residence, 8 Temple Villas, Palmerston Road, Dublin.

Mr. Gifford served his apprenticeship with the late Mr. William H. Peyton, 23 Upper Gloucester Street, Dublin, was admitted in Michaelmas Sittings 1879, and practised at 46 Dawson Street, Dublin, up to the year 1916, when he retired.

MR. RICHARD DAVOREN, Solicitor, died upon the 8th October, 1917, at Dublin.

Mr. Davoren served his apprenticeship

to the late Mr. Michael Larkin, 1 Merchants' Quay, Dublin, was admitted in Michaelmas 1867, and practised at 13 Dame Street, Dublin.

MR. WM. H. SANDES, Solicitor, died upon the 22nd October, 1917, at Dublin.

Mr. Sandes served his apprenticeship to the late Mr. Samuel Boxwell, 52 Middle Abbey Street, Dublin, was admitted in Hilary Sittings 1894, and practised formerly at 52 Middle Abbey Street, Dublin, and subsequently at Gorey, County Wexford.

MR. WILLIAM H. D. MOORE, Solicitor, died upon the 22nd October, 1917, at Westfield, Lurgan.

Mr. Moore served his apprenticeship with the late Mr. George Hazlett, Lurgan, was admitted in Easter Term 1873, and practised at Lurgan up to the year 1916, when he retired.

MR. MICHAEL MORAN, Solicitor, died upon the 24th October, 1917, at his residence, The Square, Roscommon.

Mr. Moran served his apprenticeship with the late Mr. Stephen St. L. Burke, Roscommon, was admitted in Hilary Sittings, 1906, and practised at Roscommon.

MR. JAMES STEWART, Solicitor, died upon the 25th October, 1917, at his residence, 43 Eglantine Avenue, Belfast.

Mr. Stewart served his apprenticeship with Mr. James Boyle, Belfast, was admitted in Trinity Sittings 1885, and practised at Belfast.

Roll of Honour.

LIEUTENANT A. NICKSON CALLAGHAN, The King's (Liverpool) Regiment, was killed in action on the 30th August, 1917. Lieutenant Callaghan was apprenticed on the 9th January, 1914, to Mr. Arthur W. Stirling, 52 Dame Street, Dublin.

SECOND-LIEUTENANT FREDERICK E. B. FALKNER, M.C., Royal Irish Rifles (attached Royal Flying Corps), was killed in action on the 21st August, 1917.

Second-Lieut. F.E.B. Falkner, M.C., was apprenticed on the 14th July, 1913 to his uncle, Mr. Richard B. Falkner, 9 Suffolk Street, Dublin.

LIEUTENANT HENRY J. MAHAFFY, Royal Flying Corps, was killed recently.

Lieutenant Mahaffy was apprenticed on the 26th September, 1911, to his father Mr. William Irwin Mahaffy, 22 Calendar Street, Belfast.

Military Honours.

CAPTAIN VICTOR H. PARR, Royal Inniskillings, has had the Distinguished Service Order conferred upon him.

Captain Parr is under apprenticeship to Mr. John Garvey, Solicitor, Ballina.

SECOND-LIEUTENANT FREDERICK E. B. FALKNER, Royal Irish Rifles, attached Royal Flying Corps (since killed in action), was awarded the Military Cross.

Whilst serving as Sergeant in the Machine Gun Section, Royal Dublin Fusiliers, he had the Bronze Medal for Military Valour conferred on him by H.M. the King of Italy.

LIEUTENANT ROBERT WATTS, Army Service Corps, has been awarded the Military Cross.

Lieutenant Watts was admitted a Solicitor in Trinity Sittings 1913, and practised at Belfast.

Legal Appointments.

MR. JOHN F. WRAY, B.A., LL.B., Solicitor, Enniskillen, has been elected Secretary to the County Council of Fermanagh.

Commissioners to Administer Oaths.

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

WILLIAM H. CLARKE, Clerk of Petty Sessions, Cavan.

JAMES S. DOUGLAS, Clerk of Petty Sessions, Dungiven.

New Members.

The following joined the Society since July 1917:—

James Fagan, 52 Rutland Square, Dublin.

Bartholomew J. Goff, Elphin.

Joseph M. Kennedy, Kells.

William McA. McCracken, 18 Harcourt Street, Dublin.

Michael J. O'Dempsey, Enniscorthy.

James O'Doherty, Londonderry.

William G. Wilson, Belfast.

New Solicitors.

The following were admitted during August, September, and October, 1917:—

Name.	Served Apprenticeship to
MacCabe, Francis James,	W. J. Fegan, Cavan.
Maguire, Edward Bernard,	F. P. J. Maguire, Clones.
Owens, Louis Octave,	Waldon C. Molony, Dublin

GOURTS (EMERGENCY POWERS) ACT, 1917.

Rules made by the Lord Chancellor of Ireland under the Courts (Emergency Powers) Act, 1917.

DEFINITIONS.

1. In these Rules, the expression "the Act" means the Courts (Emergency Powers) Act, 1917.

The expression "application" means an application to the Court under section 1 of this Act.

The "Land Judge" means the Land Judge of the Chancery Division of the High Court of Justice in Ireland.

(A.) PROCEDURE WHERE ACTIONS OR PROCEEDINGS PENDING.

2. In all cases where actions shall have been brought or proceedings shall have been taken in connection with a contract or obligation coming within the provisions of Section 1 of the Act application pursuant to said Section may be made by any party to the action or proceedings, to the Court in which the action or proceedings shall be pending.

3. When the action or proceedings are pending in the High Court the application shall be made by Summons to be served at such time and in such manner and shall be dealt with according to such practice generally as may be in conformity with the practice of the Court, or of the division of the Court in which it is pending.

4. When the proceedings are pending in the County Court the application shall be by notice or motion, to be served upon the opposite party in the manner prescribed for the service of Notices, by the County Courts (Ireland) Orders, 1890, or any amendment thereof, three clear days before the first day of the Sessions in the place at which such application is to be heard unless the County Court shall in any case, where special circumstances in the opinion of the Court exist, permit such other service as shall appear just to such Court.

5. Every such Summons or Notice shall be entitled in the matter of the pending action or proceedings and in the matter of the Courts (Emergency Powers) Acts, 1914 to 1917, and shall state the substance of the proposed application and the time and place of making same.

(B.) PROCEDURE WHERE NO ACTION OR PROCEEDINGS PENDING.

6. In all cases where no action or proceedings are pending in any Court any person claiming to be entitled to relief as a party to a contract or otherwise, under the provisions of Section 1 of the Act, may apply pursuant to said section, and such application shall be by way of Originating Summons and shall be made to the Land Judge.

7. The Originating Summons in the last preceding rule shall be entitled "In the Matter of the Contract dated..... made between (setting out the names of the parties)" or "In the Matter of (setting out the Act of Parliament or Order referred to in Sec. 1, sub-sec. 2 of the Act)," and "In the Matter of the Courts (Emergency Powers) Acts, 1914-1917," and such Originating Summons shall state concisely the relief sought for under said section and shall have appended thereto the Notices prescribed by the Supreme Court Rules, 1905.

8. The procedure to be adopted with regard to the issue and service of such Originating Summons shall be such as is prescribed by the Rules of the Supreme Court, 1905.

EVIDENCE IN SUPPORT OF APPLICATION.

9. An application to the High Court for relief under the said section shall be grounded on an affidavit or affidavits setting out concisely the grounds for the application and the facts showing that the applicant is entitled to apply under Section 1.

10. The application shall in the first instance be heard by the Land Judge in Chambers on affidavit, and the Judge may if he sees fit adjourn the application into

the Court List; if a contest arises between the parties, the Judge may make such requirements or give such directions as to evidence on the part of either party or both parties as may appear necessary for the determination of the matter. Whenever it shall appear to the Land Judge that any question of fact may be more conveniently tried by a Jury he may direct such trial to be had, and such trial may be had accordingly before the said Land Judge or some other Judge of the Supreme Court in the same manner as if it were the trial of an issue or issues in the said Court. The Judge shall have power, if in his discretion he thinks fit, where the amount involved is small or where he may consider the matter can be more conveniently determined in the County Court, to direct that the determination of such matter be referred to the Court of the County where any of the parties reside or have their place of business, and the decision or order of such Court shall be enforceable by the same process as an ordinary decree.

COSTS.

11. The costs of an incidental to any application to the Court or Land Judge shall be in the absolute discretion of the Court or Land Judge, and shall so far as such costs are incurred in the High Court be according to the Schedule of Fees prescribed by the said Rules of the Supreme Court, and so far as such costs are incurred in the County Court be according to the existing Schedule of Costs applicable to proceedings on the Equity Side of the Court.

12. Any order made under the Act or these rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied or altered on application by summons to the court which made such order.

13. The proceedings on any application under the Act shall, so far as not expressly provided for by these rules, be conducted in accordance with the ordinary practice of the court to which the application is made in dealing with similar matters, and

the Schedule of Court fees payable under the Order of the 26th December, 1877, shall apply.

14. Any other Judge of the Supreme Court who may be nominated in that behalf by the Lord Chancellor and so consents may, during the absence of the Land Judge through illness or any other cause, act as Land Judge for the purpose of the Act and these Rules; and whilst so acting shall have and may exercise all the powers and jurisdiction of the Land Judge for these purposes given by these Rules.

15. These Rules may be cited as the Courts (Emergency Powers) Rules, 1917, and shall come into operation forthwith.

Dated the 5th day of September, 1917.

IGNATIUS J. O'BRIEN, C.

Results of Examinations.

At the Preliminary Examination, held upon 4th and 5th October, the following passed the examination, and their names are arranged in order of merit:—

1. James F. Fitzpatrick.
2. Fintan M. O'Connor.
3. Walter F. Hannan.
4. Michael Hogan.

Patrick J. M'Crystal, Maurice F. Noonan and Michael Tynan passed the modified Preliminary Examinations for which they had liberty to present themselves.

Eleven candidates attended; seven passed; four were postponed.

At the Intermediate Examination, held upon the 8th October, the following passed the examination, and their names are classed and arranged in order of merit:

CLASS I.

Thomas J. Graham.

CLASS II.

1. William T. MacMenamin.
2. John B. Murphy.

Five candidates attended: three passed; two were postponed.

At the Final Examination for apprentices, held upon 9th, 10th and 11th October, the following passed the examination, and their names are arranged in order of merit :

1. Thomas J. Kelly, B.A., N.U.I.
2. Gerard N. Reddin.
3. Thomas S. Colbert.
4. William E. O'Reilly.
5. Richard J. Kelly, B.A., N.U.I.
6. John M. Cronin.
7. William F. Nally.
8. William P. Wall.
9. Cyril F. McCay.
10. Charles G. MacMahon, B.A., T.C.D.

The Council awarded Special Certificates to Thomas J. Kelly, B.A., N.U.I., and Gerrard N. Reddin.

Fifteen candidates attended : ten passed ; five were postponed.

Findlater Scholarship.

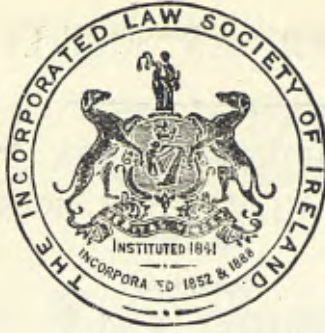
The Findlater Scholarship for 1917 has been awarded to William J. McCarthy, who served his apprenticeship with Mr. Henry J. Marshall, Listowel.

Dates of Examinations.

The following are the dates of the January 1918 examinations :—

January 2nd, 3rd and 4th—Final examinations (notice to be lodged by intending candidates in the Secretary's Office on or before 10th December).

January, 7th and 8th—Preliminary examination (notice to be lodged by intending candidates in the Secretary's Office on or before 17th December).



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 6.]

December, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING 26TH NOVEMBER, 1918.

President :

WILLIAM V. SEDDALL.

Vice-Presidents :

HENRY SHANNON.

BASIL THOMPSON.

Ordinary Members :

PATRICK J. BRADY, M.P.

WILLIAM S. HAYES.

WILLIAM J. SHANNON.

JOHN W. RICHARDS.

CHARLES ST. G. ORPEN.

RICHARD A. MACNAMARA.

SIR AUGUSTINE F. BAKER.

THOMAS G. QUIRKE.

HENRY J. SYNNOTT.

JOSEPH E. MACDERMOTT.

JAMES HENRY.

WILLIAM V. SEDDALL.

WILLIAM T. SHERIDAN.

MICHAEL L. HEARN, M.P.

JOHN H. WALSH.

ARTHUR E. BRADLEY.

ROBERT G. WARREN.

ARTHUR H. S. ORPEN.

W. HOUGHTON FRY.

IGNATIUS J. RICE.

JAMES MOORE.

HENRY SHANNON.

JOHN H. CALLAN.

BASIL THOMPSON.

CHARLES G. GAMBLE.

R. BLAIR WHITE.

EDWARD H. BURNE.

EDWIN N. EDWARDS.

PATRICK J. MEEHAN, M.P.

LOUIS C. P. SMITH.

PATRICK ROONEY.

Provincial Delegates :

Ulster—THOMAS M. GREER.

Munster—THOMAS H. KENNY.

Leinster—MICHAEL BUGGY.

Connaught—HENRY J. CONCANON.

Extra-Ordinary Members :

Northern Law Society.

JOHN B. McCUTCHEON.

JOSEPH ALLEN.

CHARLES W. BLACK.

JOHN D. COATES.

JAMES L. McDONNELL.

Southern Law Association.

W. GUEST LANE.

WILLIAM H. CORKER.

BARRY C. GALVIN.

ARTHUR JULIAN.

WALTER B. RONAN.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

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AMONGST MEMBERS.

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society was held in the Solicitors' Buildings, Four Courts, on Monday, November 26th. The chair was occupied by Mr. John W. Richards, President of the Society.

The following members were present:—

T. G. Quirke (Vice-President), W. H. Fry (Vice-President), W. S. Hayes, R. A. Macnamara, W. J. Shannon, James Henry, H. J. Synnott, A. E. Bradley, E. H. Burne, J. H. Callan, E. N. Edwards, C. G. Gamble, M. L. Hearn, M.P.; J. E. McDermott, J. Moore, I. J. Rice, P. Rooney, W. V. Seddall, H. Shannon, W. T. Sheridan, B. Thompson, J. H. Walsh, R. G. Warren, R. B. White, M. Buggy, Sir George Roche, F. C. E. Bland, J. W. Dyas, A. C. Cameron, F. D. Darley, James Brady, Thos. Montgomery, D. Dunne, H. J. McCormick, H. D. Draper, J. O'Sullivan, F. A. Greene, E. S. Lowe, E. S. Lowe, jun.; W. J. Brett, D. A. Quaid, H. C. Neilson, T. J. Greene, J. Hawthorne, W. D. Sainsbury, A. G. Joyce, W. J. Ryan, P. M. Seales, W. J. M. Coulter, W. P. Triston, J. T. Doyle, J. T. Hamerton, M. A. Smyth, C. Corcoran, J. Minton, G. Byrne, E. Condell, E. J. Kenny, E. McNeill, E. R. Bate, J. Read, D. O'Grady, G. Tench, H. J. Fullerton, Saml. Kerr, H. R. Maunsell, R. A. O'Brien, F. S. de V. White, O. P. Beater, G. P. Cussen, B. M. O'Grady, T. A. Ireland, J. K. Woods, R. T. Holmes, W. G. Bradley, R. A. Andrews, H. Malley, D. H. Forde, M. J. Dwyer, M. Noyk, A. E.

Walker, J. W. Davis, F. E. Bermingham, R. W. MacNeice, J. J. Beatty, G. H. Parkes, H. J. Marshall, S. M. Bell, M. Corrigan, J. J. Sheil, F. V. Gordon, H. P. Mayne, L. J. O'Reilly, V. F. Kirwan, F. Kennedy, P. J. O'Hare, E. F. McHugh, W. J. Byrne, C. Crozier Shaw, F. G. McKeever, S. Mathews, J. Gillespie, F. P. Long, T. F. Figgis.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, also the minutes of the Half-yearly General Meeting held last May, which latter were signed by the President, who also signed the audited accounts.

The Secretary then read the Report of the Scrutineers of the ballot for election of Council for year ending 26th November, 1918, which stated that the following had been returned unopposed as Provincial Delegates:—Thomas M. Greer, for Ulster; Thomas H. Kenny, for Munster; Michael Buggy, for Leinster; and Henry J. Concanon, for Connaught; and that the following, having received the number of votes placed after their names, had been elected as the thirty-one Ordinary Members of the Council:—Patrick J. Brady, M.P., 337; W. S. Hayes, 299; W. J. Shannon, 294; J. W. Richards, 284; C. St. G. Orpen, 282; R. A. Macnamara, 282; Sir A. F. Baker, 280; T. G. Quirke, 278; H. J. Synnott, 275; J. E. MacDermott, 266; James Henry, 266; W. V. Seddall, 265; W. T. Sheridan, 264; M. L. Hearn, M.P.,

263; J. H. Walsh, 260; A. E. Bradley, 259; R. G. Warren, 256; A. H. S. Orpen, 253; W. H. Fry, 251; I. J. Rice, 247; James Moore, 245; H. Shannon, 240; J. H. Callan, 240; Basil Thompson, 239; C. Gamble, 237; R. B. White, 233; E. H. Burne, 229; E. N. Edwards, 222; P. J. Meehan, M.P., 220; L. C. P. Smith, 211; P. Rooney, 198; and the following to form a supplemental list to fill vacancies:—P. Seales, 153; A. W. Stirling, 139; and T. J. Deering, 122.

Upon the motion of Mr. Quirke, seconded by Mr. Fry, it was resolved that the May, 1918, Half-yearly General Meeting of the Society be held upon Wednesday, the 15th May.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said he regretted to say that they were once again meeting under the shadow of the awful war.

The War.

The Report of the Council stated that 128 of their brother Solicitors and 77 Apprentices had joined the Forces. He knew that in addition others had done so since: for instance, his own near relative and best of partners and friends, William C. Gage, who was leaving this country this week; also Mr. Arthur H. S. Orpen, a member of the Council, who recently got a commission and was at present in France. Of these he regretted to say 26 have been called on to make the supreme sacrifice, and two have been reported "missing." During the past year they had had to add to the Roll of Honour the following Solicitors:—Lance-Corporal Herbert S. Findlater, "D" Company, 7th Batt., Royal Dublin Fusiliers; Corporal William Whaley, Royal Irish Fusiliers; Second-Lieutenant James S. Boal, Royal Garrison Artillery. The following Apprentices are also on the Roll of Honour:—Second-Lieutenant Vincent Connell Byrne, and Second-Lieutenant Robert Kelly Pollin, both of the Royal Irish Rifles; Second-Lieutenant Philip J. Furlong, and Lieu-

tenant Arthur Nickson Callaghan, King's (Liverpool) Regiment; Second Lieutenant Frederick E. B. Falkiner, Royal Irish Rifles; Lieutenant Henry I. Mahaffy, Royal Flying Corps; Captain Ivan H. Garvey, Connaught Rangers. They tendered to their relatives their sympathy and sorrow for their loss.

Military Distinctions.

He was glad to report that during the past year the following distinctions had been given:—Captain Victor H. Parr, Royal Inniskillings (who had previously received the Military Cross), a D.S.O.; Captain Chas. C. Craig, M.P., Royal Irish Rifles (who formerly practised as a Solicitor in Belfast), the Legion d'Honneur; Sergeant Robert W. Glass, Royal Irish Rifles, the *Medaille Militaire*; and Second-Lieutenant Frederick E. B. Falkiner (who also received the Military Cross), the high distinction of the Bronze Medal for Military Valour, conferred on him by H.M. the King of Italy. In addition to these, the Military Cross was awarded to Captain Wm. W. M. Knight, Royal Inniskilling Fusiliers; Capt. John Ronan, Leinster Regiment; Lieut. William A. Lane, Army Service Corps; Capt. Ivan H. Garvey; Lieut. T. Frank Monks, Royal Field Artillery; Lieut. Robert Watts, Army Service Corps; Capt. James G. E. Fitzgerald, Machine Gun Corps; and Lieut. Thomas B. L. Disney, Royal Engineers. Two of the number—Capt. Ivan H. Garvey, son of his old friend, John Garvey, of Ballina, a well-known Western Solicitor, and Second-Lieutenant Frederick E. B. Falkiner (whose late father had been a member of the Council)—had not lived to enjoy the honours which had been conferred on them. Lieut. Arthur Nickson Callaghan had the honour of being mentioned in despatches; his brother, who was killed a month later, was an official in the Four Courts.

Death of Mr. P. K. White.

He regretted to have to refer to the death of their old friend, Mr. Patrick K. White, a

late member of that Council, and one who had in the short time he was with them given the benefit of his ripe experience, particularly on questions of practice, and had been very helpful and worked very hard on the various Committees on which he acted.

Prime Minister and Attorney-General.

This year was remarkable in the Solicitors' profession, owing to the fact that Mr. Lloyd George, the Prime Minister of England, and the Right Honourable James O'Connor, K.C., Attorney-General for Ireland, were the first Solicitors who have been appointed to these offices.

The Irish Convention.

It was thought at one time that the Irish Convention might require the use of that hall and of certain of the rooms adjoining for the purposes of their meetings, and Lord Southborough (then Sir Francis Hopwood) inspected the buildings, but, as they knew, the offer of the buildings in Trinity College was ultimately accepted. The Council earnestly hoped that the deliberations of the Convention might result in the production of a scheme for the future government of Ireland generally acceptable and to the advantage and welfare of this country in which they were all so vitally interested. As to the work done by the Council during the year, they had to consider numerous new Bills, Acts, and Rules to be made thereunder, including "The Dublin Reconstruction (Emergency Provisions) Act," "The Representation of the People Bill," "The Increase of Rent and Mortgage Interest Act," and "The Courts (Emergency Powers) Acts, 1917." As regards

"The Representation of the People Bill,"

a very important point as regards Solicitors, and particularly country Solicitors, was raised by the Bill as originally drafted. As far as England was concerned, it was provided that the duties of the office of Registration Officer, which was created by

the Bill, should be performed by the Clerks of the County and Borough Councils, and that the Councils should pay to such officers

Increased Salaries

for their care and attention in the performance of these duties; but, in the application to Ireland, the Bill provided that the Clerks of the Crown and Peace should be the Registration Officers. The County Council were directed to pay the expenses of such officers, who were not, however, to make any charge for the additional trouble, care and attention which were imposed on them as Registration Officers. While this Council were of opinion that the Clerk of the Crown and Peace was the best qualified officer to perform the duties in question (which were of a semi-legal character), they were

Also of Opinion

that he should receive remuneration for the additional duties in addition to his fixed salary of office. A resolution to this effect was sent to the various Members whose names appeared on the Bill, and all Members of Parliament for Ireland, and we are glad to say that in Committee on the Bill an amendment was inserted allowing the Treasury to increase the salary of the Clerk of the Crown and Peace, having regard to his additional duties. The question of

Judges Measuring Costs

against the desire of the party to whom the costs were payable, and in the absence of any special circumstances, had been pressed very strongly by the Council, and they were glad to observe that in a recent case in which the Lord Chief Justice was requested by the party who had been directed to pay the cost of a motion, to measure same, his lordship declined to do so, and stated that unless the party to whom the costs are payable makes the request, the costs of motions should be under the scale fixed by the rules, subject to taxation. This measuring of costs has worked a great

injustice to Solicitors and to clients, because a Solicitor cannot be expected to keep up an expensive office, pay clerks, scriveners, fees to Counsel, etc., unless he gets the costs to which he is legitimately entitled, and in some cases the measured costs would not give him more than 2s. or. 3s. over the outlay. It was also a great injustice to the client, because the Solicitor has to get paid by his client the difference between the measured costs and costs to which he was legitimately entitled, and no client can understand when he had been successful in a motion why he should be mulcted in costs.

Parchment.

There is another small matter which might be of interest to the profession. For some time it has been very difficult to get parchment, and the cost has risen greatly. They had heard that it might be soon impossible to get any parchment at all. Accordingly he brought the matter before the officials in the Land Judge's and Receiver Courts, and also before the Taxing Masters, all of whom received him most courteously, and in the result notices have been issued rendering it unnecessary to put parchment backs on Land Judge's petitions and final schedules, Receiver's accounts, bills of costs, etc. Unfortunately they could not get any alteration made in the Registry of Deeds for requisitions, for negative searches or memorials, as the Statutes of Anne and William IV. require parchment to be used in this connection.

Professorship.

They had to elect a new Professor of Equity and Real Property in the place of Mr. Mayne, who gave so much satisfaction in that position, but whose term of office had expired. He was glad to say, however, they had been able to elect in his place another Solicitor, Mr. Fras. M'Keever, of Drogheda, who had won so many legal and collegiate distinctions.

Solicitors' Remuneration.

In conclusion, he desired to call attention to a matter which affected them all, and which had been given a great deal of thought and anxiety, and that was that while the expense of living had increased so tremendously, there had been no increase of any kind in Solicitors' remuneration. Income tax took away in some cases one-fourth of one's income, and the prices of food, clothing and other necessaries had doubled or trebled what they were before the war; the expenses of running an office, etc., had also greatly increased. The increase of remuneration was a matter in reference to which he was sure the new Council would be glad of any suggestions. Perhaps after the meeting was over some of the Solicitors present would stay on and make some suggestions, or else they might write suggestions to the Secretary. He could not close without thanking the Secretary, on behalf of the Council, for the work which he had done for them and the Solicitors' profession in the past year, and congratulated him on his son having received the Military Cross.

MR. QUIRKE (Vice-President) seconded the adoption of the Report, and the motion was put to the meeting and passed.

SIR GEORGE ROCHE, having moved that Mr. Quirke do take the chair, moved a cordial vote of thanks to the President, which was seconded by Mr. Quaid, and was passed with acclamation.

THE PRESIDENT returned thanks, and the proceedings terminated.

Meetings of the Council.

November 14th.

Use of Parchment.

It was resolved that steps be taken to have the use of parchment discontinued in the Taxing Office and other Court Offices so far as possible. The use of parchment for

memorials and for negative searches in the Registry of Deeds Office, being required by statute, cannot be dispensed with by a departmental regulation.

Court of Examiners.

A report was submitted from the Court of Examiners upon applications from three Law Clerks for leave to be bound under Section 16. One of the applications was granted, the other two being refused.

November 28th.

Extra-ordinary Members.

A letter was read from the Northern Law Society submitting the names of the following members of that Society to be Extra-ordinary Members of the Council:—Mr. John B. McCutcheon, Mr. Joseph Allen, Mr. C. W. Black, Mr. J. D. Coates, and Mr. J. L. McDonnell.

A letter was read from the Southern Law Association submitting the names of the following members of that Association to be Extra-ordinary Members of the Council:—Mr. W. Guest Lane, Mr. B. C. Galvin, Mr. W. H. Corker, Mr. A. Julian, and Mr. W. B. Ronan.

The ten members nominated were declared duly elected as the ten Extra-ordinary Members of the Council for the year ending 26th November, 1918.

Use of Parchment.

The President reported that as a result of representations made by him, at the request of the Council, the use of parchment for backs to bills of costs lodged for taxation, and for backs to Receiver's accounts, had been dispensed with.

Council Meetings.

MEETINGS of the Council are fixed to be held upon the following dates:—

January 16th and 30th.
February 13th and 27th.

Committee Meetings.

THE following Committee Meetings were held during November:—

Statutory, 7th and 23rd,
Court of Examiners, 9th.
Gazette, 20th.

Obituary.

MR. FRANCIS L. CROWLEY, Solicitor, died upon the 23rd October, 1917, at his residence, 26 Finglas Road, Glasnevin, County Dublin.

Mr. Crowley served his apprenticeship with Mr. E. D. MacLaughlin, 4 Suffolk Street, Dublin, was admitted in Trinity Sittings, 1900, and practised formerly at 16 Lower Ormond Quay, Dublin, and subsequently at 25 Suffolk Street, Dublin, up to the year 1914, when he retired.

MR. DANIEL LEAHY, Solicitor, Abbeyfeale, died on the 30th November, 1917, at Limerick.

Mr. Leahy served his apprenticeship with the late Mr. John A. Hanrahan, 70 South Mall, Cork, was admitted in Trinity Sittings, 1881, and practised at Abbeyfeale.

New Members.

THE following joined the Society during November, 1917:—

Richard Connolly, Cashel.
Laurence Conroy, Ballinasloe.
Frederick M. Duffy, Carrickmacross.
Joseph P. G. Guy, Tuam.
Denis J. Hannon, Athlone.
Robert A. Macaulay, Listowel.
Francis J. MacCabe, Manorhamilton.
Michael Maguire, Ballyshannon.
Patrick A. Mooney, Kells.
George A. Nolan, Waterford.
Albert O'Donoghue, Drogheda.
John MacC. O'Hea, Bandon.
Timothy O'Shea, Killarney.

John K. S. Reddin, 3 Westmoreland Street, Dublin.
 Aloysius J. Reddy, 35 Westland Row, Dublin.
 William M. Reid, Cavan.
 Harry E. Ritchie, Enniskillen.

Commissioners to Administer Oaths.

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

James Leonard, Clerk of Petty Sessions, Grange, County Sligo.
 John O'Reilly, Clerk of Petty Sessions, Carrigallen, Co. Leitrim.

High Court Sittings, 1918.

THE following are the dates of the High Court Sittings during 1918:—

Hilary—Commence 11th January, terminate 27th March.
Easter—Commence 10th April, terminate 15th May.

Trinity—Commence 29th May, terminate 31st July.

Michaelmas—Commence 25th October, terminate 21st December.

Hilary Sittings Lectures, 1918.

THE following are the dates upon which lectures will be delivered to the Junior Class during Hilary Sittings:—

January 14, 17, 21, 24, 28, 31.
 February 4, 7, 11, 14, 18, 21.

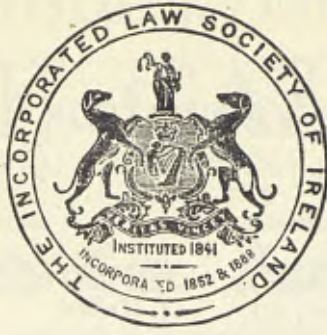
The following are the dates upon which lectures will be delivered to the Senior Class during Hilary Sittings:—

January 11, 15, 18, 22, 25, 29.
 February 1, 5, 8, 12, 15, 19.

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

PARTNERSHIP AND CHANGE OF ADDRESS.

MR. H. R. MAUNSELL, who has for some time past practised as MESSRS. BROWNE & MAUNSELL, at 40 Westland Row, Dublin, will on the 1st prox. become a Partner in the Firm of MESSRS. T. T. MECREDY & SON, of 91 Merrion Square, Dublin, under which Title and at which Address his business as from the 1st prox. will be carried on.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 7.]

January, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1918.

<i>No. 1. House, Library, and Finance.</i>	<i>No. 2. Parliamentary.</i>	<i>No. 3. Costs.</i>	<i>No. 4. Court and Offices</i>
C. G. GAMBLE.	P. J. BRADY, M.P.	W. H. FRY.	E. H. BURNE.
J. E. MACDERMOTT.	M. L. HEARN, M.P.	J. HENRY.	J. H. CALLAN.
JAMES MOORE.	P. J. MEEHAN, M.P.	JAMES MOORE.	E. N. EDWARDS.
W. T. SHERIDAN.	I. J. RICE.	T. G. QUIRKE.	A. H. S. ORPEN.
J. H. WALSH.	W. J. SHANNON.	P. ROONEY.	R. G. WARREN.
<i>No. 5. Gazette.</i>	<i>No. 6. County Courts.</i>	<i>No. 7. Land Acts.</i>	<i>No. 8. Privileges.</i>
E. N. EDWARDS.	THE EXTRA-ORDINARY	SIR A. F. BAKER.	SIR A. F. BAKER.
C. G. GAMBLE.	MEMBERS.	W. S. HAYES.	W. S. HAYES.
T. G. QUIRKE.	THE PROVINCIAL	R. A. MACNAMARA.	J. E. MACDERMOTT.
W. T. SHERIDAN.	DELEGATES.	C. S. G. ORPEN.	W. J. SHANNON.
R. BLAIR WHITE.	A. E. BRADLEY.	H. J. SYNNOTT.	H. J. SYNNOTT.
	E. H. BURNE.		
	R. G. WARREN.		
	L. C. P. SMITH.		
	R. BLAIR WHITE.		

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

COURT OF EXAMINERS FOR 1918.

President :

W. V. SEDDALL.

Vice-Presidents :

HENRY SHANNON.	BASIL THOMPSON.	
JOSEPH ALLEN.	J. C. MACDERMOTT.	PATRICK ROONEY.
E. H. BURNE.	J. B. McCUTCHEON.	W. T. SHERIDAN.
W. H. CORKER.	JAMES MOORE.	JOHN H. WALSH.
E. N. EDWARDS.	A. H. S. ORPEN.	R. BLAIR WHITE.

Special Examiners :

C. H. DENROCHE, B.A., LL.D., R.U.I. F. V. GORDON, B.A., Ex-Scholar (T.C.D.)

Professors :

FRANCIS G. MCKEEVER (SEN. MOD.), B.A., T.C.D.
FREDERICK S. D. DE V. WHITE (SEN. MOD.), B.A., LL.D., T.C.D.

Secretary :

WM. GEO. WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 7.]

January, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council

December 5th.

Election of President and Vice-Presidents.

The Council elected Mr. William V. Seddall to the office of President of the Society, and Mr. Henry Shannon and Mr. Basil Thompson to the office of Vice-Presidents of the Society, for the year ending 26th November, 1918.

Mr. Seddall, having taken the chair, thanked the Council for his election, and 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.

Taxation of Costs.

It was resolved again to send a deputation to the Lord Chancellor from the Council to urge the necessity for the appointment of a third Taxing Master.

Council Meetings.

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

February 13th and 27th.

March 13th and 27th.

Committee Meetings.

THE following Committee Meetings were held during December, 1917:—

Court of Examiners, 14th.

Statutory, 17th.

Gazette, 18th.

Privileges, 19th.

Costs, 20th.

Solicitors' Annual Certificates.

MEMBERS are reminded that Annual Certificates for the year ending 5th January, 1919, should be taken out and the duties paid thereon before the 6th February, 1918.

Obituary.

MR. WILLIAM J. MARSHALL, Solicitor, died upon the 4th December, 1917, at 41 Rathgar Avenue, Dublin.

Mr. Marshall served his apprenticeship with Mr. Richard B. Falkiner, 9 Suffolk Street, Dublin, was admitted in Hilary Sittings, 1882, and practised for some years prior to the year 1899 (when he retired) at Trim, County Meath.

MR. ANDREW McCLELLAND, Solicitor, died upon the 26th December, 1917, at his residence, Riversley, Banbridge.

Mr. McClelland served his apprenticeship with his father, the late Mr. Thomas McClelland, Belfast, was admitted in Trinity Term, 1864, and practised at Banbridge up to the year 1915, when he retired.

MR. JOHN R. COOPER, Solicitor, died upon the 7th January, 1918, at his residence, Birchgrove, Wexford.

Mr. Cooper served his apprenticeship with the late Mr. Henry Watson, 18 Eustace Street, Dublin, was admitted in Trinity Term, 1874, and practised at Wexford.

He was appointed Sessional Crown Solicitor for County Wexford in the year 1889, and Crown Solicitor for the County in 1897, which position he occupied up to the time of his death.

Military Honours.

THE President of the French Republic has conferred the Croix de Guerre on Captain Charles T. Mackay, M.C., Royal Flying Corps.

Captain Mackay was apprenticed on the 14th November, 1911, to Mr. Samuel Roche, Solicitor, Tullow.

The Military Cross has been awarded to Lieutenant Percival H. Browne, Army Cyclist Corps.

Lieutenant Browne was apprenticed on the 17th June, 1911, to Mr. William S. Hayes, Solicitor, 41 Nassau Street, Dublin.

The Military Cross has been awarded to Lieutenant John Gillespie, Royal Field Artillery.

Lieutenant Gillespie was apprenticed on the 16th July, 1912, to his father, Mr. John Gillespie, Solicitor, Castleblayney.

New Members.

THE following joined the Society during December, 1917 :—

Parnell Gale, Chief Crown Solicitor's Office, Dublin Castle.

Richard J. McDonnell, Kells.

New Solicitors.

THE following were admitted during November and December, 1917 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Cronin, John M. ...	Patrick Ryan (deceased), Charleville.
McIlvennan, David ...	John McKee, 106 Ann Street, Belfast.
MacMahon, Charles Gerald	Charles MacMahon, Dundalk.
Reddin, Gerard Norman	Patrick J. Brady, M.P., 20 Molesworth St., Dublin

Supreme Court Rules.

BY Order in Council dated 10th December, 1917, the following amendments have been made in the Rules of the Supreme Court of 1905 :—

ORDER LIX., RULE 38.

The existing Order directs the taxation of the costs of a special case by one of the Taxing Masters unless the Court or a Judge shall otherwise direct : " provided that the

" costs, exclusive of the costs in the Civil Bill Court and the costs of appeal before the Judge of Assize shall not, under any circumstances, exceed the sum of £10."

The following amendment is now made :—

Amend by substituting for the existing proviso the following words :—

Provided that the costs, exclusive of the costs in the Civil Bill Court and the costs of appeal before the Judge of Assize, shall not exceed the sum of £10, unless in any case in which the Court is of opinion that under special circumstances a larger sum should be awarded, the Court shall have power to increase the said sum of £10 to such amount, not exceeding £25, as it shall determine.

ORDER LXXXIV., RULE 17A (6).

The above-mentioned Rule 17A (6) is contained in Rules supplemental to those of 1905, and made on 16th March, 1911, which regulate the procedure on appeals by certiorari from allowances, disallowances, surcharges or declarations of Auditors under the Local Government (Ireland) Act.

Rule 17A (6) provides that " No conditional order shall issue unless the party prosecuting the appeal shall within 10 days, or such other time as the Court may direct, enter into a recognizance before the Master of the King's Bench Division,"

The following amendment is now made :— Amend by inserting after the words " Master of the King's Bench Division " the following words :—

or the Clerk of the Crown and Peace for the County in which the cause may have arisen, or any Resident Magistrate.

ORDER LXV., RULE 53.

This Order prescribes the allowances to be made for Printers' Charges, and the following amendment is now made :—

Rule 53 shall be amended by increasing the charges specified as follows :—

	s.	d.
If 25 copies or any lesser number	10	6
If over 25 and not exceeding 50	10	0
copies	11	10

If over 50 and not exceeding 75 copies	13	2
If over 75 and not exceeding 100 copies	14	6

During the continuance of the present war and for a period of six months thereafter these charges shall take effect.

Recent Decision affecting Solicitors.

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

KING'S BENCH DIVISION (ENGLAND).
(Before AVORY, J.)

Stewart-Moore v. Sprague.

Nov. 24, 1917.—Solicitor—Promissory note given by client in respect of untaxed bill of costs—Promissory note dishonoured—Right of Solicitor to judgment for full amount of promissory note.

Action set down for trial under Order XIV., R. 8.

The action was brought by Mr. Henry Stewart-Moore, a Solicitor, against Mr. W. G. R. Sprague, an architect, to recover £80 on a promissory note dated June 21st, 1917, payable three months after date, and dishonoured at maturity.

The defendant had for some years had transactions with money-lenders, and the plaintiff had acted for him in various proceedings arising out of those transactions. The plaintiff had delivered bills of costs from time to time, and on May 4th last delivered a bill for £163 12s. 1d., which had not yet been taxed. The defendant called upon the plaintiff, who, after a discussion, agreed to accept two promissory notes, one the note now sued upon, and another which had not yet become due.

The case for the plaintiff was that the promissory notes were intended to be a final settlement between the parties, and that the defendant could not now ask for taxation of

the bill. If he wanted taxation he ought to apply for it by summons, and in the meantime the plaintiff was entitled to judgment on the note now sued upon (*Ray v. Newton* (1913), 1 K.B., 249).

For the defendant it was contended that the plaintiff was not entitled to judgment for £80, as the bill of costs had not yet been taxed. As the dispute was one between the maker and the payee of the note, the Court could go behind the note and see whether there had been a total or partial failure of consideration. There had been a part failure at least, for on taxation something would have to be taken off the bill. The note, therefore, could not be treated as having been given in final settlement (*Sayer v. Wagstaff* (1844), L. J. Ch., 116). The creditor by accepting a promissory note only gave extended credit, and there was no settlement of the original debt until the note was actually paid. The defendant, therefore, was entitled to have the bill of costs taxed before paying the note.

Avory, J., gave judgment for the plaintiff for £80. He had not materials before him to enable him to say whether the defendant was entitled to taxation of the bill of costs, and he expressed no opinion about it. The defendant was asking that judgment should be given on the note less some amount which it was quite impossible to arrive at. To arrive at the amount it would be necessary to decide whether the defendant was entitled to taxation of the bill of costs, and also how much would come off the bill on taxation. *Ray v. Newton* (*supra*) was an authority which showed that whether the defendant was entitled to taxation or not the plaintiff must now have judgment on the note. See also *Glennie v. Imri* (1839), 3 Y. & C., 436.

(*Weekly Notes*, December 8th, 1917, page 367).

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





THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 8.]

February, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 8.]

February, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

January 16th.

Taxation of Costs.

The President informed the Council that the deputation appointed at the previous meeting had interviewed the Lord Chancellor, and had submitted to him a statement showing the urgent public and professional necessity for the immediate appointment of a third Taxing Master, and that His Lordship had undertaken to give full consideration to the facts submitted by the deputation. As a result of this, and previous interviews, the Lord Chancellor had since made the appointment of Mr. R. A. Macnamara to the office of Taxing Master.

Right to Possession of Letters.

A query of general interest to the profession was submitted to the Council by two firms of Solicitors to determine the right to possession of letters under the following circumstances: A client discharged the retainer of his Solicitors, paid them all costs due, and instructed them to hand his deeds and papers to another firm of Solicitors, which they did, but they retained and claimed the right to retain as their property letters written to them as Solicitors for the client by a third party. The query having been considered by the Privileges Committee, that Committee reported that, in their opinion, the letters are the property of the client, and should under the circumstances be handed over to the newly appointed Solicitors. (See

In re Thomson, 1855, 20 Beav., 545, and R.R. 109, p. 534.)

The Council adopted the report of the Committee.

January 21st.

Resignation of Mr. Justice Barton.

The Council directed a letter to be written to Sir Plunket Barton expressing the regret of the Council on his resignation from the Judicial Bench, and their appreciation of his courtesy to the profession.

January 30th.

Sir Plunket Barton.

A letter was read in reply from Sir Plunket Barton thanking the Council for their expression of regret on his resignation.

Council of Law Reporting.

The Council appointed Mr. Thomas G. Quirke, LL.D., as one of its representatives on the Council of Law Reporting, in room of Mr. Macnamara, resigned.

Examination Results.

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

Illegal Conveyancing.

A letter was read from a Country Solicitor giving particulars of a deed prepared by a publican. Further inquiries were directed, in order to ascertain if the facts would justify proceedings for penalties being instituted.

Council Meetings.

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

March 13th and 27th.

April 10th and 24th.

Committee Meetings.

THE following Committee Meetings were held during January, 1918:—

Statutory, 17th.

Gazette, 18th.

Court of Examiners, 21st and 28th.

Costs, 22nd.

Obituary.

MR. JOHN CHISHOLM, Solicitor, died upon the 20th December, 1917, at his residence, Knockinagh, Whiteabbey.

Mr. Chisholm served his apprenticeship with the late Mr. John G. Shaw, Belfast, was admitted in Trinity Sittings, 1891, and practised at 82 Royal Avenue, Belfast.

MR. JOHN H. MAGEE, Solicitor, died upon the 8th January, 1918, at Donegal.

Mr. Magee served his apprenticeship with Mr. Lewis R. Lipsett, Ballyshannon, was admitted in Trinity Sittings, 1906, and practised at Donegal.

MR. SAMUEL HOWARD, Solicitor, died upon the 21st January, 1918, at "St. Ronan's," Orwell Road, Rathgar, County Dublin.

Mr. Howard served his apprenticeship with the late Mr. Samuel Young, Dungannon, was admitted in Hilary Sittings, 1887, and practised at Dungannon up to the year 1912, when he retired.

MR. CYRIL L. BAKER, Solicitor, died upon the 26th January, 1918, at "Innisfail," Fethard.

Mr. Baker served his apprenticeship with Mr. John J. Mackenzie, Clonmel, was admitted in Easter Sittings, 1914, and practised at Fethard.

Honours to Solicitors.

Mr. John Garvey, D.L., Crown Solicitor for County Mayo, and Mr. William Geoghegan, Solicitor, Dublin, have been appointed Members of the Order of the British Empire.

Military Honours.

THE Military Cross has been awarded to Lieutenant P. Claude Furlong, Royal Field Artillery.

Lieutenant Furlong was admitted a Solicitor in Hilary Sittings, 1911, and practised at 35 Westmoreland Street, Dublin.

Legal Appointments.

THE Lord Chancellor has appointed Mr. Richard A. Macnamara, Solicitor, of 35 Westmoreland Street, Dublin, to be a Taxing Master.

Mr. Macnamara has been a member of the Council of the Society since 1901, and filled the office of President of the Society in the year 1909-10.

The Lord Lieutenant has appointed Mr. Michael J. O'Connor, Wexford, to the office of Crown and Sessional Crown Solicitor for the County of Wexford, in room of the late Mr. John R. Cooper.

Commissioner to Administer Oaths.

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

Philip Goodwin, Clerk of Petty Sessions, Banagher, Moystown, and Ferbane, King's County.

New Members.

THE following joined the Society during January, 1918:—

George F. Fleming, Arklow.

William Fulton, 44, Wellington Place, Belfast.

William S. McCullough, 22 Dame Street, Dublin.

William E. O'Reilly, 67 Middle Abbey
Street, Dublin.

John R. Peart, 35 Westmoreland Street,
Dublin.

County Courts, Ireland.

Statutory Rule of Procedure as to Compensation for Criminal Injuries under the Local Government (Ireland) Act, 1898, to come into operation on the First day of February, 1918.

Rule 11 of the Statutory Rules of Procedure as to Compensation for Criminal Injuries under the Local Government (Ireland) Act, 1898, dated 22nd March, 1899, is hereby repealed, and the following Rule shall apply in substitution therefor:—

Rule 11.—The applicant for compensation shall three clear days before the commencement of the sessions for the division or the county borough in which the application is to be heard, publish in a newspaper circulating within the division or county borough a notice of the application according to the form in the Schedule hereto, setting out the name and address of the applicant, the nature of the injury complained of, the place where the injury is said to have occurred, the amount of compensation claimed, and the place where and the time when the application is to be heard. The reasonable cost of the preparation and publication of this notice may be allowed on taxation as part of the applicant's costs.

SCHEDULE.

Form of Notice of Application for Compensation for Criminal Injuries.

Application for Compensation for Criminal Injuries.

Take Notice that at the sessions (or Court) to be held at _____ on the _____ day of _____, 19____, an application for compensation for criminal injuries will be made on behalf of (set out the name of the applicant) of (set out his address). The nature of the injury complained of is

_____ ; the place where the injury occurred is _____ ; and the amount of compensation claimed is £ _____.
(The name of the applicant or his solicitor is to be appended.)

Library.

THE attention of Members is asked to the following list of books which are missing from the Library. The Council request that Members will have inquiry made to ascertain whether any of these books are in their offices. The Council would be glad of the books being returned to the Library.

Brett.—Grand Jury, 1895.

Browning and Glover.—Registration of Title. Burke's Landed Gentry, Vol. 11, 9th Edn.

Ford.—Oaths.

Henry.—Costs, Pt. 1.

Irish Law Times Reports, Vols. I., II., III., IV. and VII.

Kerr.—Injunctions, 5th Edn.

Law Reports Statutes, 1869 and 1877.

Law Reports (Probate), 1914.

Law Reports (1902), II. K.B.

Legal Diary, 1911.

Law Times, Vols. 83 and 130.

Law Times Reports, Vols. 34, 44 and 49.

Mecredy.—Fee Farm Grants.

Underhill.—Torts, 1900.

Walker.—Land Purchase and Sup.

Walker.—Rating Provisions, Local Government (2nd Edn.)

Wolstenholme.—Conveyancing, 1913.

Weekly Notes, 1911.

Dates of Spring Assizes, 1918.

NORTH-EAST CIRCUIT.

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

Co. Louth.—At Dundalk, on Monday, March 4th, at 11 o'clock.

Co. Monaghan.—At Monaghan, on Wednesday, March 6th, at 11 o'clock.

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

Co. Down.—At Downpatrick, on Tuesday, March 12th, at 12.30 o'clock.

Co. Antrim.—At Belfast, on Friday, March 15th, at 1 o'clock.

Co. of the City of Belfast.—At Belfast, on Monday, March 18th, at 11 o'clock.

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

Registrars.—John M. Davies, Esq., 22 Kildare Street, Dublin; Huston Dodd, Esq., 46 Hannaville Park, Terenure, Co. Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, on Friday, March 1st, at 11.30 a.m.

Co. Longford.—At Longford, on Monday, March 4th, at 1 p.m.

Co. Cavan.—At Cavan, on Wednesday, March 6th, at 11 a.m.

Co. Fermanagh.—At Enniskillen, on Saturday, March 9th, at 11 a.m.

Co. Tyrone.—At Omagh, on Tuesday, March 12th, at 11 a.m.

Co. Donegal.—At Lifford, on Friday, March 15th, at 11 a.m.

Co. Derry.—At Derry, on Monday, March 18th, at 11.30 a.m.

City of Derry.—At Derry, on Tuesday, March 19th, at 10.30 a.m.

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

Registrars.—Francis C. Martley, Esq.; 38 Fitzwilliam Place, Dublin; and W. H. Atkinson, Esq., Nutley, Ballsbridge, Dublin.

MUNSTER CIRCUIT.

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

Co. Limerick.—At Limerick, on Thursday, March 7th, at 11 o'clock.

City of Limerick.—At Limerick, on Thursday, March 7th, at 11 o'clock.

Co. Kerry.—At Tralee, on Tuesday, March 12th, at 12 o'clock.

Co. Cork.—At Cork, on Tuesday, March 19th, at 12 o'clock.

City of Cork.—At Cork, on Thursday, March 21st, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Pim and the Right Hon. Mr. Justice Gordon.

Registrars.—J. H. Nunn, Esq., Bective, Pembroke Park, Dublin; Francis Kennedy, Esq., 25 Wellington Place, Clyde Road, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, on Friday, 1st March, at 12 noon.

Co. Wexford.—At Wexford, on Saturday, 2nd March, at 11.30 a.m.

Co. Waterford.—At Waterford, on Monday, 4th March, at 2 p.m.

Co. of the City of Waterford.—At Waterford, on Monday, 4th March, at 2 p.m.

Co. Tipperary (South Riding).—At Clonmel, on Wednesday, 6th March, at 12 noon.

Co. Tipperary (North Riding).—At Nenagh, on Friday, 8th March, at 11 a.m.

Queen's Co.—At Maryborough, on Monday, 11th March, at 11 a.m.

Co. Kilkenny.—At Kilkenny, on Tuesday, 12th March, at 12 noon.

Co. Carlow.—At Carlow, on Thursday, 14th March, at 11 a.m.

Co. Kildare.—At Naas, on Friday, 15th March, at 11 a.m.

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

Registrars.—Colonel William Campbell, Glenavy, Milltown, Co. Dublin; and E. H. Kenny, Esq., Marlfield, Cabinteely, Co. Dublin.

CONNAUGHT CIRCUIT.

King's Co.—At Tullamore, on 1st March, at 11.30 a.m.

Co. Leitrim.—At Carrick-on-Shannon, on 5th March, at 2.30 p.m.

Co. Sligo.—At Sligo, on Friday, 8th March, at 12 noon.

Co. Mayo.—At Castlebar, on Tuesday, 12th March, at 12.30 p.m.

Co. Roscommon.—At Roscommon, on Monday, 18th March, at 11 a.m.

Co. Galway.—At Galway, on Thursday, 1st March, at 11.30 a.m.

Judges.—The Right Hon. Lord Justice Ronan and the Right Hon. Lord Justice Molony.

Registrars.—John Ronan, Esq., 45 Fitzwilliam Square, Dublin; and William T. Sheridan, Esq., 1 Elgin Road, Dublin.

Estate Duty on Freehold Registered Land.

The following letter has been received by the Secretary, from the Assistant Secretary and Registrar, Estate Duty Office:—

Estate Duty Office,
Custom House, Dublin,

DEAR SIR, 24th November, 1917.

Re FREEHOLD REGISTERED LAND.

With reference to the case of *Longworth v. Campbell* (1910), 1 I.R., 23, in which the Master of the Rolls decided that land purchased under the Land Purchase Acts and registered as Freehold Registered Land remains real estate, I beg to inform you that the Irish Law Officers recently gave it as their opinion that such land does not pass to an executor as such.

I have received the requisite authority to adjust the official practice accordingly.

In these circumstances, and in view of the provisions of Section 9 (1) of the Finance Act, 1894, land of this description will now be regarded as liable for payment of the Estate Duty thereon, in the same way as if it had been assessed as real estate in the first instance; and it will be no longer necessary to include such land as part of a deceased person's free personal estate in the Inland Revenue Affidavit leading to a Grant of Probate or Administration. It should be accounted for as real estate, and therefore Court Fees will not be charged thereon as hitherto.

I shall be obliged by your kindly bringing this change under the notice of the profession through the medium of your report or other publications.

Yours faithfully,
(Signed), H. WHEWELL,
Assistant Secretary & Registrar.

The Secretary,
Incorporated Law Society of Ireland,
Solicitors' Buildings, Four Courts,
Dublin.

Results of Examinations.

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

1. Reginald J. Nolan.
2. Austin Donnelly.
- Cornelius P. W. McGrath. } equal.

Peter Fox passed the modified Preliminary Examination for which he had liberty to present himself.

Six candidates attended: four passed; two were postponed.

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

1. Patrick J. Kennedy.
2. James F. Crotty.
3. Charles K. Murphy, B.A., N.U.I.
4. Francis B. O'Toole.
5. Laurence F. Branigan.
6. Edward J. Duffy, B.A., N.U.I.

The Council have awarded Special Certificates to Patrick J. Kennedy and James F. Crotty.

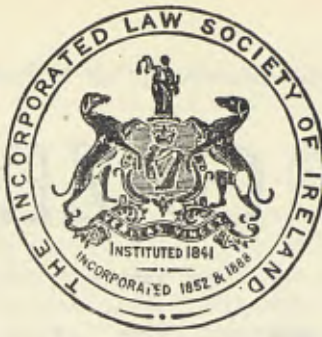
Ten candidates attended: six passed; four were postponed.

Intermediate Examination.

The March Intermediate Examination for Apprentices will be held upon Friday, the First day of March, at 10 o'clock a.m.

Intending candidates should lodge their notices in the Secretary's Office before 18th February.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 9.]

March, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

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Vol. XI, No. 9.]

March, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council

13th February.

Representation of the People Act

It was resolved to request the Lord Lieutenant, in the event of his appointing Deputy Registration Officers under the Act, to appoint members of the Solicitors' profession as such deputy officers.

Court of Examiners

Reports were submitted from the Court of Examiners upon five applications from Law Clerks for leave to be bound under Section 16. Upon consideration of the Reports two of the applications were granted, and three were refused.

Illegal Conveyancing

Proceedings for a penalty were directed to be brought against an unqualified person, under 27 Victoria, cap. 8, for having drawn for remuneration a conveyance of land.

20th February.

Solicitors' Remuneration

A report was submitted from the Costs Committee upon a reference from the Council on the matter of additional remuneration of Solicitors during the war, owing to greatly increased establishment charges and living expenses, directly consequent upon the war. It was resolved to request the Lord Chancellor

to take the necessary steps to have such General Orders made as will entitle Solicitors to increase their professional charges, incurred after the date of such orders, by an additional twenty-five per cent., for the duration of the war and for a period of six months after.

Ministry of Justice

The address delivered by the President of the English Law Society, at a General Meeting of that Society, in support of a resolution suggesting the creation of a Ministry of Justice, was submitted, and it was resolved, subject to permission being obtained, to reprint the address in this GAZETTE. By kind permission of the President of the English Law Society the address is re-printed herein. The Council request the attention of members to the matters dealt with in it, and they invite suggestions thereon.

27th February.

Solicitors' Remuneration

The President informed the Council that a meeting of the rule recommending authority under the Supreme Court of Judicature Act (of which he is a member), had been summoned for that afternoon, when the application of the Council for a General Order authorising an increase of professional charges during the war would be considered.

Country Solicitors

A report was submitted from the Privileges Committee upon the subject of getting into closer touch upon professional matters with the members of the profession throughout the country. From this report it appeared that there are Sessional Bar Associations in nineteen counties, and in thirteen counties no such Association. It was resolved to adopt the recommendations contained in the report, that a letter be written to the Associations expressing the readiness of the Council at all times to consider matters affecting the interests of country Solicitors, and to render assistance in protecting such interests, and that a letter be written to a leading member of the profession in each of those counties where there is no Sessional Bar Association suggesting the formation of such an Association.

Council Meetings

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

March 27th.

April 10th and 24th.

Committee Meetings

THE following Committee Meetings were held during February, 1918 :—

Land Acts, 1st.

Costs, 5th.

Court of Examiners, 7th.

Gazette, 11th.

Statutory, 12th, 21st, and 28th.

Privileges, 22nd.

High Court Sittings, 1918

HILARY Sittings terminate on Wednesday, 27th March. Easter Sittings commence on Wednesday, 10th April, and terminate on Wednesday, 15th May.

Obituary

MR. FRANCIS P. J. MAGUIRE, Solicitor, died on the 11th February, 1918, at Clones.

Mr. Maguire served his apprenticeship with Mr. Henry Murphy, Clones, was admitted in Trinity Sittings, 1912, and practised at Clones.

MR. JAMES L. McDONNELL, Solicitor, died upon the 16th February, 1918, at his residence, "Roseville," Belfast.

Mr. McDonnell served his apprenticeship with the late Mr. Peter Macaulay, Belfast, was admitted in Trinity Sittings, 1899, and practised at 2 Wellington Place, Belfast.

New Members

THE following joined the Society during February, 1918 :—

Edward J. Duffy, Kingscourt.

William T. Mackay, 46 Kildare Street, Dublin.

Robert Marshall, 29 Donegall Street, Belfast.

William J. McCarthy, Listowel.

Notary Public

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

Frederick H. Hall, Solicitor, 39 South Mall, Cork.

Commissioners to Administer Oaths

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

Charles B. W. Boyle, Solicitor, 29 Lower Gardiner Street, Dublin.

Erroll Burton, Solicitor, 43 Dame Street, Dublin.

Charles Corcoran, Solicitor, 42 Fleet Street, Dublin.

William J. M. Coulter, Solicitor, 200 Great Brunswick Street, Dublin.

Christopher M. Grimes, Solicitor, 4 Upper Ormond Quay, Dublin.

Frederick H. Hall, Solicitor, 39 South Mall, Cork.

Robert S. Heron, Solicitor, Banbridge.

Thomas A. Ireland, Solicitor, 137 Stephen's Green, Dublin.

Marcus A. Lynch, Solicitor, 12 Lower Ormond Quay, Dublin.

John J. Mackenzie, Solicitor, 114 Stephen's Green, Dublin.
 John R. Peart, Solicitor, 35 Westmoreland Street, Dublin.
 William P. Triston, Solicitor, 1 Dame Street, Dublin.
 John S. Dalton, Clerk of Petty Sessions, Abbeyfeale.
 Arthur A. Harris, Land Agent's Assistant, Mitchelstown.

New Solicitors

THE following were admitted during January and February, 1918 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Crotty, James F. ...	P. A. Murphy, Waterford
Duffy, Edward Joseph ...	William L. B. Cochrane, 18 Harcourt St., Dublin
Kelly, Richard Jasper ...	Edward McHugh, 43 Rutland Square, Dublin
Kelly, Thomas J. ...	William P. Triston, 1 Dame Street, Dublin
Kennedy, Patrick J. ...	John H. Callan, 1 Suffolk Street, Dublin
McCay, Cyril Francis ...	Samuel Jones, Cavan
Murphy, Chas. Kavanagh	Michael Murphy, Cork
Nally, William F. ...	John J. McDonald, 116 Grafton Street, Dublin
O'Reilly, William Ernest	Edwin M. Lloyd, 13 Lower Ormond Quay, Dublin
Peart, John Redmund, exempt from apprenticeship under Section 29 of the Solicitors' (Ireland) Act, 1898.	

Ministry of Justice.

At a Special General Meeting of the English Law Society, held on the 25th January, 1918, the President (Mr. Samuel Garrett), on behalf of the Council of the Society, moved, and the Vice-President (Mr. R. A. Pinsent) seconded the following motion, which, after discussion, was adopted *nem con* :—

“(1) That in the opinion of this General Meeting of the Law Society a Ministry of Justice is necessary in the national interests.”

“(2) That a copy of the foregoing resolution be sent to the Prime Minister, the Lord Chancellor, the Minister of Reconstruction, and to such other persons as the Council may determine.”

The President, when moving the motion, read the following address, which by permission, is here re-printed :—

In the momentous times through which we are passing—probably the most momentous in the recorded history of mankind—it behoves every organised body of men to consider their position and what part they are fitted to play, in the period of reconstruction which is before us. Everything is to be changed. Nothing will be the same as in the pre-war days which now seem so far off. Amongst other things our opinions, our predilections and our prejudices, our methods and our institutions, must be reconsidered and brought into harmony with the altered needs of the times.

Therefore we of this Society are only doing our duty as citizens and our duty to our profession in asking ourselves, as I invite you to do to-day, whether our present position and our relations to the public are satisfactory to ourselves and to the public, and whether we are fitted by our organisation, our traditions and our professional rules to play the part which the legal profession ought to play in the reconstructed body politic of which we have visions. And if our answers to these enquiries are not satisfactory to us, then it is our duty to search for the remedy.

As a learned profession we claim that our vocation is not only one by which we live but is also one for which we live. In other words, we claim that having gone through a specialised educational training, our object is to supply to our clients disinterested counsel and service without expectation of any business gain to ourselves beyond the definite remuneration stipulated or fixed by law—that we can have no interest in the matters on which we advise except the interest of our clients, the safeguarding of which is the sole object of our intervention.

If we had nothing but pecuniary rewards and honours to look to, our profession would not be one which it would be worth the while of a man of ability and character to follow. But as the medical profession ministers to the body and the clerical profession to the soul, so it is our office—and it is a proud and high office—to safeguard and protect the fortune and business interests, and often the character and reputation, of those whom we serve, and thus to help to preserve to them the peace of mind without which life is not worth living. It is the performance of this duty which gives dignity to the profession and affords scope for energy and talent.

We claim that in intention this high ideal is attained. If the intention is carried into practice, the result ought to be a feeling of regard and confidence on the part of the public towards our profession, which I am afraid it must be admitted is not fully attained. I do not wish to be misunderstood. In many thousands of individual cases there does exist, I am happy to say, that feeling of regard and confidence on the part of the client towards his solicitor which is one of the consolations of an anxious and laborious profession. But towards the profession as a whole the public sentiment is far otherwise, and in my opinion it is wise

on our part to face the fact and to endeavour to account for it. In that way we shall have the best chance of remedying a state of affairs which is as humiliating to ourselves as it is detrimental to the public interests.

The manifestations of the state of the public sentiment towards the profession are such as he who runs may read. I will refer to one which has come very much within my personal observation. I have practised for forty years in the heart of the City of London. Within 300 yards of the office in which I have spent my professional life there are established a number of Trade Associations (I should say not fewer than thirty to forty), the principal object of whose existence is to keep lawyers and the law from having any part in the settlement of the disputes in the trade with which each particular Association is concerned. These Associations are created for minute subdivisions of trade. Every important product has an Association of its own. There are a Tea Association, an Oil and Tallow Association, a Copra Association, a Rice Association, and so on. Each Association prepares an elaborate form of contract for use in its particular trade, containing a stringent arbitration clause by which all disputes of whatever kind must be referred to two trade arbitrators and a trade Umpire, with generally a right of appeal to the Committee of the Association, also of course composed of business men. The arbitrators and Umpire do not as a rule proceed in any regular way. The arbitrators treat themselves as advocates for the respective parties who appoint them. They hear no evidence or legal argument, and they frequently do not even hear the parties or have a meeting of the parties. The Rules of many of the Associations, even when there is an appeal, preclude any legal representation of the parties before the tribunal. The Umpire or the Appeal Committee generally hears the arbitrators as advocates, and decides questions both of fact and of law, the former often on very insufficient materials and very superficial investigation, and the latter without any professional guidance as to what is the law of the matter under discussion.

Many most important and difficult questions, especially since the war, have come before these domestic and amateur tribunals, such, for instance, as the effect of the outbreak of the war on a c.i.f. contract where the goods were shipped in a German ship before the war and were at sea when war was declared. Such tribunals are eminently fitted to decide such questions as whether a particular parcel is in accordance with the sample or with the contract description, and a very large number of such disputes are settled by means of these tribunals much more cheaply and satisfactorily than would be possible in a Court of Law. But to submit to a lay tribunal, unversed in law and unskilled in sifting facts, questions involving complicated facts and difficult questions of law is a waste of time and energy. The spin of a coin would afford a cheaper and quicker and not less satisfactory result. The decisions which are arrived at in such cases are not infrequently grotesque, and produce the greatest injustice. The parties concerned are quite aware of this, and yet, such is their horror of the law, they prefer this procedure to a Court of Law. Those

who have established and carry on the Associations are keen men of business who know what they want and are determined to have it. I have often discussed the matter with them. Their defence to my strictures on their proceedings is in the nature of a confession and avoidance. They say: "We admit all your criticisms. But you lawyers cannot or will not provide us with what we want, viz., a quick and cheap mode of disposing of our disputes, and as you cannot or will not supply our needs we do our best to supply them ourselves. And we prefer what we have provided for ourselves, with all its admitted imperfections, to what you offer us by your present legal procedure and methods."

To this defence no effective reply is possible. For no one of experience can deny that the business man's complaint of the machinery offered to him by the Law Courts as a means of disposing of his business disputes is well founded. In short, the business world is out of touch with the legal profession. When a man hands his case over to his solicitor there commences a series of proceedings of which he does not appreciate the object, lasting for months, or perhaps for years, and involving heavy expenditure of time and money. When his case comes to be argued it is discussed in language which he does not understand, and in an atmosphere and surroundings altogether strange and distasteful to him. Evidence which he considers conclusive is often barred by rules which he looks upon as technical and unreasonable. What wonder if he says he will have none of it, and prefers to have his disputes decided in a rough and ready way by his own business friends, albeit unskilled in the elucidation of facts and altogether innocent of all knowledge of law?

The state of things which I have described is a standing reproach to our profession, and must be remedied if we are in the coming reconstruction to fill the place to which we are entitled and which in the interests of the community we must fill.

Twenty-three years ago a man of great erudition and of greater strength of character and will foresaw what was coming, and did his best to save the situation by the establishment of the Commercial Court. But the sons of Zeruiah, in the shape of the Court of Appeal, were too strong for Mr. Justice Mathew, and soon pointed out that the Judge sitting in the Commercial Court was bound by the same rules of evidence and of procedure and practice as when sitting in any other Court, with the result that the practice of the Commercial Court is not now substantially distinguishable from that of other Courts. The sole advantage (and it is a very great advantage) now resulting from the establishment of the Commercial Court is that the Judge presiding in that Court is always one of special experience in commercial work, and can be relied upon to take into account the business man's point of view upon the matter discussed before him. But the procedure remains far too dilatory and too expensive, with the consequence which I have described of the growth of lay tribunals to decide disputes which in the interests of the community, as well as in the interests of the parties immediately concerned, ought to be decided in the Law Courts.

I have hitherto spoken of a manifestation of the public feeling in this country towards the law and lawyers which has been forced on my notice as a City solicitor. But there are other manifestations of the same feeling of wider significance. Take, for instance, the popular view of lawyer-politicians. In all democratic countries lawyers necessarily and properly take a large share in the business of government and legislation. In autocracies it is not so, but we all hope that the days of autocracy in civilized countries are numbered. It is not an accident that of the last twelve Presidents of the United States from Lincoln downwards eight have been lawyers, or that the law since the establishment of the third French Republic has always been and is still largely represented in the Government of our friends and allies across the Channel, or that in our own country for the last ten years a Prime Minister of one branch of the legal profession has been succeeded in his high office by a member of the other branch, and that other ministerial offices are largely filled by lawyers. The more complicated human relations become, the more the need of the lawyer in the work of government. The first prerequisite of reform in any branch of government is knowledge of what the existing law is, and what effect any proposed change in one department is likely to have on other departments. Yet to judge by the popular outcry, one might think that it would be to the public benefit to be rid of lawyers altogether in politics. Sneers at the "legal" type of mind or at "lawyer-ridden" Governments are part of the stock-in-trade of the popular Press. They express a real popular feeling which we must recognise and account for and alter if we are to fulfil satisfactorily the functions for which we exist.

The feeling is not without justification in the existing state of affairs. It cannot be denied that the training, the traditions, the organisation and the outlook of the legal profession of this country are such as naturally produce the state of popular sentiment which I have endeavoured to describe. It is a somewhat melancholy admission to make at the end of one's career, but I make it in the hope that the younger members of our profession to whom the future belongs will see to it that at the end of their career they will not need to make any such confession. Old-fashioned, not to say archaic, systems, however interesting on historical and sentimental grounds, must be "scrapped." There will be no place for them in our reconstructed society. The reforms in order to be effectual must be drastic, and should, as it seems to me, be directed to two objects, viz. : (1) the education and organisation of the legal profession, and (2) legal procedure.

In the matter of legal education this Society has a record of which we have reason to be proud. By legal proceedings at the suit of the Attorney-General, at the relation of the Society, the New Inn Fund was rescued some years ago, and has been made available for educational purposes. The Clifford's Inn Fund was also secured for the same purpose about the same time by the action of some of our colleagues, members of Clifford's Inn. The Bar by an Order of the Court get the income of half the funds. Our Society by means of the income of the other half and out of its general resources has established in London the nearest

approach to a School of Law which exists in the country, and has rendered such assistance as was possible to the Provinces for the purpose of legal education. We have therefore shown in a practical way our desire for the higher legal education of our future members. But something more is required. It is nothing less than a scandal that no National School of Law exists in this country. The means are not wanting. Apart from the New Inn and Clifford's Inn Funds and the fees of students, solicitors alone of the learned profession are subject to heavy taxation, a substantial portion of the proceeds of which might reasonably and properly be devoted to the maintenance of a School of Law. Through such a school of law students, for whichever branch destined, should pass. There should in the early stages be no differentiation between the education of a student destined for the Bar and one destined for our branch of the profession. The arrangements should be such that a young man need not decide till a late period of his legal education whether he should select the Bar or our branch as his profession. At present he has to make his election before he really knows for which branch his natural aptitude specially fits him, and his election is in most cases practically final.

It would be a good thing for every solicitor to have some training in a barrister's chambers, and for every barrister to have some experience of the work of a solicitor's office. Passage from one branch to the other should be easy and free. I am no advocate of what is called "fusion," but I am an advocate of unification of the legal profession. At present we are not one profession, but two, separated by airtight bulkheads erected not by law but by domestic regulations and traditions. This is one of the causes, in my opinion, of the want of touch between the public and the profession.

As regards legal procedure, Royal Commission has followed Royal Commission with "damnable iteration" for the last seventy years, with results which (with the exception of the Judicature Acts, 1873 and 1875) are contemptible when compared with the expenditure of time and labour involved. We have still two watertight systems, the Supreme Court and the County Courts, with over-lapping jurisdictions. Only by the cumbersome, archaic, and scandalously expensive circuits is any connection maintained between the Supreme Court and the Provinces. Local Courts, relics of antiquity, survive in several parts of the country. No sane human being desiring to bring justice to every man's door and to impress on the people the dignity of the law, and to render its administration cheap and speedy and its procedure intelligible to laymen, would design such a plan, which renders the attainment of these objects difficult almost to the point of impossibility.

The last Royal Commission which dealt with a branch of the subject reported in November, 1915, on the method of making appointments to and promotions in the legal departments of the Civil Service, and on the question whether the existing scheme of organisation meets the requirements of the public service, and what modifications are needed therein. The Report brings to light some startling facts and makes some recommendations. It has doubtless found its way to its appropriate

pigeon-hole, where it will remain till it is buried in dust. The interest in the proceedings of the Commission lies, in my view, not so much in its Report as in a question which was mentioned and to some extent discussed by a distinguished witness, but was held by the Commission to be beyond its reference; that is, the question of the appointment of a Minister of Justice. In that question, in my view, is to be sought the remedy for the ills from which we are suffering, and which I have above shortly referred to.

In every civilised country in the world except one it has been found necessary to establish a Department of State, charged with the duty of supervising and managing the legal machinery of the country, seeing that it is of the best design to fit it for its work, repairing any breakdown, oiling its bearings and generally keeping it in working order, and adopting any improvements in it which experience or increased knowledge may suggest. In these countries it is recognised that the administration of civil justice between man and man, and of criminal justice between the individual and the State, is one of the highest and most sacred functions of the Government, that it cannot safely be left to custom or tradition or professional interests to provide and manage the machinery of such administration, but that the function must be committed to a special Department presided over by a Minister wholly divorced himself from judicial functions, but charged with the duty of seeing that those functions are properly fulfilled, and are provided with machinery fitted for their needs—in short, that there must be a business manager of legal affairs.

The one exception—the one civilised country in the world which has not recognised *in practice* the necessity for such a business manager—is the United Kingdom. I say “in practice,” because in theory and in words the necessity has been recognised for seventy years at least by all men of light and leading who have considered the subject. Thus Lord Langdale in 1848 told a Committee of the House of Commons:—“My opinion is that you want an office of the Government in which the affairs of justice should be the particular object of attention.” The head of that office was “to be charged with the whole superintendence over the establishment and organisation of the Courts, their official arrangements and everything belonging to them except matters judicial. . . . You cannot work out a system of safe and rational law reform without an authority of that kind.” (Quoted in the *Edinburgh Review*, April, 1917, vol. 225, pp. 321-2.)

In the *Law Magazine* of 1856 I find an article entitled “Minister of Public Justice—His Functions and Duties,” in which reference is made to “Motions for the establishment of the office of Minister of Justice; an almost universal recognition of its necessity. . . . The office of Minister of Justice has become an admitted want.”

In the same publication of the same year I find a letter of Lord Brougham to a Society called the Law Amendment Society, in which he writes:—“It forms exactly one of the most unanswerable reasons in favour of the . . . proposal of a

“Minister of Justice that there would at all times
“be a department charged with the duty of
“watching how our laws work in each particular,
“and propounding means for curing the proved
“flaws in the system and quickening the action of
“its healthy parts.”

It may be suggested that the Lord Chancellor is in effect a Minister of Justice. There are numerous answers to that suggestion. In the first place, the Lord Chancellor is the head of the Judiciary. His time is largely taken up with his duties as a Judge of the highest Appellate Court and of the Imperial Court (the Judicial Committee of the Privy Council). The Minister of Justice should have no such duties. He should be an organiser and administrator—not a Judge. Next, any time of the Lord Chancellor not occupied by his judicial duties is more than taken up by his political duties and his office as Speaker of the House of Lords and his patronage work. He has neither the time nor the staff to enable him, in addition to these duties, to undertake the charge of a great administrative department. Lord Herschell, after experience of the office, said that the work of the Lord Chancellor was two men’s work. Another ex-Lord Chancellor (Lord Haldane) told the Civil Service Commission that “the office of Lord Chancellor has been an impossible one for its occupant to discharge efficiently,” and that “if the Lord Chancellor did his work properly, two Lord Chancellors could not get through the work which devolves on one.” Every one who knows Lord Haldane knows that his capacity for hard work is phenomenal, and that if he is appalled by the work of any office which he has held the work must be appalling indeed. He went on to tell the Commission: “You will never solve the great problem which you have until you set up a Minister of Justice.” Unfortunately the subject was held to be beyond the scope of the reference of the Commission, and they do not deal with it in their Report.

The case which I submit to you is that Law Reform hangs fire for want of an officer of State armed with the power of conducting the necessary enquiries and investigations, and supplying the necessary driving force to initiate and prepare the requisite legislative measures and to pass them through Parliament, and with strength to overcome the “vis inertiae” of a pre-occupied and ill-informed public and the active opposition of vested interests. Without such an officer the cause of reform is hopeless.

The first work of a Minister of Justice would be constructive, and would deal with the subjects on which I have touched above. This work would require time for investigation and thought. It is new work which has not hitherto been done at all. But beyond this work there is other work which has hitherto been performed by various departments, but which would naturally be collected in the hands of a Minister of Justice when such a functionary comes into existence. Such are (1) the patronage of the legal departments now in the hands of the Lord Chancellor, of the Lord Chief Justice, of the President of the Probate, Divorce and Admiralty Division, and of the Master of the Rolls (on this subject see the Sixth Report of the Civil Service Commissioners). Whether the judicial patronage of

the High Court should be in his hand would be a matter for consideration, but he should certainly relieve the Judges above mentioned of the irksome duties involved in their administrative patronage; (II) the judicial patronage of the Home Secretary and of the Duchy of Lancaster—in the appointment of Stipendiary Magistrates, Recorders, and Judges and Officers of inferior and local Courts; (III) the dispensation of the prerogative of mercy and the administration of prisons now in the hands of the Home Office; (IV) the functions of the Board of Trade with regard to bankruptcy and companies winding up; (V) many, if not all, the legal duties of the Treasury. The Public Prosecutor's Office should be a department of the Ministry of Justice. There are no doubt many other functions now spread among different departments which it would be found convenient and economical to commit to the Minister of Justice. The gain to the public from having these duties concentrated in one office, in the hands of a single Minister with a seat in the House of Commons and responsible to Parliament, would be immense. The present system leads inevitably to over-lapping, extravagance and inefficiency. The functions referred to are mostly excrescences on the departments to which they are now attached, assigned to those departments for no particular reason except that the office to which they would naturally be assigned, viz., the Ministry of Justice, does not exist. The amount of inter-departmental correspondence and consequent delay and expense involved in the present state of affairs must be enormous. A properly organised Ministry of Justice presided over by an experienced administrator, would pay its way in the first twelve months of its existence.

There would also be a Statistical Department of the Ministry—which would collect and publish returns and information as to the working of the Legal Machine—and a Department connected with foreign law, to give information and assistance as to the enforcement of British judgments in foreign countries; and also possibly as to the enforcement of foreign judgments in this country.

The Ministry would organise the legal Departments, distribute and assign its duties to each Department, see that each Department is adequately but not excessively staffed. Its representative would be constantly at the Courts, watching the machine at work, noting defects and suggesting improvements and economies.

In short, the Ministry of Justice would focus and co-ordinate and systematise the whole legal business of the country—a work which at present is no one's duty and which is therefore not done.

There are of course difficulties, but difficulties exist in order to be overcome. The greatest difficulty is the mass of vested interests bound up in the present system or want of system. It is that which, in my belief, has hitherto prevented the institution of an office the necessity for which has been recognised by eminent authorities without a dissenting voice for three generations. The only way to overcome that obstacle is to create a public interest in the question, and it is in the hope that we may help in some degree to create such an interest that I am bringing the matter to the attention of

this Society. A pronouncement of the Society on the subject at this juncture cannot fail, in my judgment, to place the proposal on a different plane from that which it has hitherto occupied.

This war, with its prolonged public anxieties and private griefs and sacrifices, has altered the outlook of each one of us politically and socially. It has aroused hopes and aspirations of a new world to come. Is it too much to hope, or even to claim, that in the professional sphere the effects of the cataclysm through which we are passing shall not be less marked? Are we content to remain as we were? Are we satisfied with our relations to the public, and with the view which the public hold of us? Are we willing to leave to our sons and successors a professional organisation and a system of administration which have resulted in a lamentable want of sympathy between the public and the profession? If you answer these questions in the negative, as I do, then I wish to impress upon you that the matter rests with you, and particularly with the younger members of the profession, who are naturally concerned with the future more than are we elders. Our branch constitutes numerically about 90 per cent. of the entire practising legal profession. If anything has to be done, we have to do it. We have had a large share in the initiation of such legal reforms as have been effected in the past, and we shall have to act now if advantage is to be taken of the present crisis in the affairs of the nation to make the profession fit to take its part in the reconstructed society which we expect and hope will emerge from our present anxieties. In my view the first step to be taken to attain these objects is, for the reasons which I have given, the institution of a Ministry of Justice. I accordingly now beg to move the resolution which stands in my name on the Agenda Paper.

Calendar of the Incorporated Law Society, 1918.

THE Calendar and Law Directory, published by the Society for 1918, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XI, No. 10.]

April, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

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Incorporated Law Society of Ireland.

Vol. XI, No. 10.]

April, 1918.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

13th March.

The Late Mr. John Redmond, M.P.

The following resolution was passed, and a copy directed to be sent to Mrs. Redmond:—

“The Council have heard with profound regret of the death of Mr. John Redmond, M.P., and desire to place on record their sense of the great loss the country has sustained through his untimely death at this crisis in the history of Ireland and the Empire. The Council desire to convey to Mrs. Redmond and to the members of his family their sincere sympathy with them in their bereavement.”

Mortgaging of Purchased Holdings.

A letter in reply was read from the Irish Land Commission on the subject of Section 54 (3) of the Irish Land Act, 1903, relative to the mortgaging of purchased holdings. The correspondence will be found in this GAZETTE.

National Board of Education Inquiries.

A report was submitted from the Privileges Committee in reference to instructions issued by the National Board of Education to their Inspectors, directing that Solicitors for parties appearing at inquiries held by Inspectors should put their questions to witnesses

through the Inspector. It was resolved to write to the Board requesting that Solicitors should be at liberty to directly examine witnesses as at other inquiries.

Solicitors' Remuneration.

The President informed the Council that he had attended, on 27th February, a meeting of the rule recommending authority under the Supreme Court of Judicature Act (of which he is a member), when the application of the Council for a General Order authorising an increase of charges during the war was considered, and after discussion he was requested to have a statement prepared showing each class of costs, and the amount of increase in each class, for which the Council seeks General Orders, such statement to be considered at a further meeting to be summoned for the purpose.

A statement such as that requested, since prepared by the Costs Committee, was now submitted and adopted by the Council, and directed to be sent to the Lord Chancellor's Secretary.

Examinations.

Applications by three Law Clerks for modified Preliminary Examinations under Section 18 were considered. Two of the applicants applied for examination as modified by Minute of 12th May, 1892, and it was decided not to oppose either of these two applications. In the third case the

applicant sought a greater modification than that permitted under the Minute, and it was decided to request that no greater modification be granted in this case.

27th March.

Conveyancing.

An opinion of Counsel obtained in relation to a question of contemplated proceedings under 27 Victoria, Cap. 8, for illegal conveyancing was submitted, and it was resolved that the opinion be sent to the country member of the Society who brought the matter before the Council, with an intimation that the Council did not consider it advisable to proceed further in this case, having regard to the opinion of Counsel.

Council Meetings.

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

April 24th.

May 8th and 29th.

Committee Meetings.

THE following Committee meetings were held during March, 1918:—

Costs, 5th and 15th.

Statutory, 8th and 26th.

Court of Examiners, 11th.

Privileges, 11th.

Gazette, 12th.

Court and Offices, 21st.

County Courts, 21st.

Obituary.

MR. GEORGE F. CORBETT, Solicitor, died upon the 16th March, 1918, at Nenagh.

Mr. Corbett served his apprenticeship with the late Mr. Jehu Mathews, 32 Lower Ormond Quay, Dublin, and the late Mr. William Lane Joynt, 43 Merrion Square, Dublin, was admitted in Hilary Sittings, 1890, and practised at Nenagh.

SIR ALEXANDER McDOWELL, O.B.E., Solicitor, died upon the 17th March, 1918, at his residence, Greenisland, Belfast.

Sir Alexander was apprenticed to the late Mr. William Carson, Belfast, was admitted in Michaelmas Sittings, 1885, and practised (formerly in partnership with the late Mr. William Carson, and latterly in partnership with Messrs. James C. McDowell, Samuel J. MacKeown, and Robert Wallace) under the style of Messrs. Carson and McDowell, at 51 Royal Avenue, Belfast.

He was awarded the Grand Cross of the Order of the British Empire in 1917.

MR. JAMES POE, Solicitor, died upon the 21st March, 1918, at Kilkenny.

Mr. Poe was apprenticed to his father, the late Mr. James Poe, The Parade, Kilkenny, was admitted in Michaelmas Term, 1850, and practised (in partnership with his son, Mr. James Poe, junior, under the style of Messrs. James Poe and Son) at Kilkenny.

Mr. Poe was appointed Clerk of the Crown for the City of Kilkenny in 1865, Clerk of the Crown for the County of Kilkenny in 1876, and Clerk of the Peace for the City of Kilkenny in 1887, all of which offices he filled up to December, 1916, when he retired.

Mr. Poe was the senior practising Solicitor in Ireland.

MR. JOSHUA E. PEEL, Solicitor, died upon the 23rd March, 1918, at Armagh.

Mr. Peel served his apprenticeship with the late Mr. John Stanley, Armagh, was admitted in Michaelmas Term, 1872, and practised (in partnership with his son, Mr. John A. Peel, under the style of Messrs. Joshua E. Peel and Son) at Armagh.

Commissioner to Administer Oaths.

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

Daniel McAnaw, Acting Clerk of Petty Sessions, Strabane.

Mortgaging of Holdings Purchased under Land Purchase (Ireland) Acts.

THE following correspondence has taken place in reference to the above subject:—

The Incorporated Law Society of Ireland,
Solicitors' Buildings, Four Courts,
Dublin, 5th February, 1918.

DEAR SIR,

I am directed by the Council of this Society to send you enclosed copy of a letter received by me from Mr. Samuel A. Wray, Solicitor, of Coleraine.

The Council regard the matter dealt with in Mr. Wray's letter as one of considerable importance to Solicitors throughout the country, and while they see difficulty in asking the Land Commission to give information as to sanctioning a charge on a registered holding, to a party who may or may not become a purchaser of that holding, they hope that some method may be adopted to get over the difficulty pointed out by Mr. Wray.

The Council would respectfully suggest to the Land Commission the adoption of a

practice that where an original contract for the sale of a registered holding, signed by the vendor and purchaser, is lodged with the Land Commission, and where such contract provides that the sale was made subject to the Land Commission allowing the Purchaser to mortgage the holding for a sum of £ , the Land Commission would then (*i.e.*, before the sale is completed) give their decision as to whether the mortgage for the sum specified will or will not be sanctioned.

The Council desire to add that the value of holdings is enhanced by freedom of sale, and freedom of sale is facilitated by the rapid decision as to sanctioning of charges.

The Council hope that the Land Commission will give this matter their early consideration.

I remain, dear Sir,

Faithfully yours,

(Signed), WM. GEO. WAKELY,
Secretary.

The Secretary,
Irish Land Commission,
24 Upper Merrion Street, Dublin.

The Irish Land Commission,
24 Upper Merrion Street,
Dublin, 26th February, 1918.

SIR,

I am directed by the Irish Land Commissioners to acknowledge the receipt of your letter dated the 5th instant, enclosing copy of a letter addressed to your Council by Mr. Samuel Wray, Solicitor, of Coleraine, on the subject of Section 54 (3) of the Irish Land Act, 1903, relative to the mortgaging of purchased holdings for sums in excess of ten times the Land Purchase Annuity, and to inform you that while the Commissioners, having regard to the object and purpose of the legislature as expressed in the sub-section referred to, deprecate most strongly the purchase of holdings subject to land purchase annuities by means of borrowed money, thereby often burdening the borrower to such an extent that he is unable to farm the

holding he has so purchased in a husband-like manner, they are always willing to consider applications of a *bona fide* nature put before them under the Section with such an object.

Accordingly, they will be prepared to consider an application from a person who contemplates purchasing in such a manner, provided such application is joined in by the proprietor (registered owner) of the holding to be sold. In practice, however, there is no necessity to depart from the existing procedure, as it will be quite sufficient to disclose the position in paragraph 7 of the existing form for use in such cases, as in fact is now done in some instances.

The Commissioners will not, however, consider applications of this nature from "outsiders" with regard to holdings in which the proprietor does not join, for reasons which will be fully obvious to your Council.

The Commissioners regret that they could not at the present juncture give an undertaking to dispose of all such applications within 14 days as suggested by Mr. Wray, but they most certainly will endeavour to expedite all such applications and have them disposed of within a reasonable time, but it must be remembered that each case has to be taken up in its turn, and where inspection is necessary there may be unavoidable delay.

I am, Sir,

Your obedient Servant,
(Signed), T. GEO. H. GREEN.

The Secretary,
Incorporated Law Society.

Examination Result.

At the Intermediate Examination for Apprentices, held upon 1st March, the following passed the Examination:—

CLASS I.

William J. Concannon. 4,150
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CLASS II.

1. Bernard J. Boyd.
2. John D. Leetch.

Four candidates attended: three passed; one was postponed.

Easter Sittings Lectures, 1918.

LECTURES will be delivered to the Senior Class upon the following dates:—

April 12, 16, 19, 23, 26, 30.

May 3, 7, 10, 14.

Lectures will be delivered to the Junior Class upon the following dates:—

April 11, 15, 18, 22, 25, 29.

May 2, 6, 9, 13.

Dates of Examinations.

Preliminary—Thursday and Friday, 16th and 17th May, at 10 o'clock a.m., each day (notices of intending candidates to be lodged in Secretary's Office on or before Wednesday, 1st May).

Final—Wednesday, Thursday, and Friday, 22nd, 23rd, and 24th May, at 10 o'clock a.m. each day (notices of intending candidates to be lodged in Secretary's Office on or before Monday, 6th May).

Calendar of the Incorporated Law Society, 1918.

THE Calendar and Law Directory, published by the Society for 1918, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.

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



