

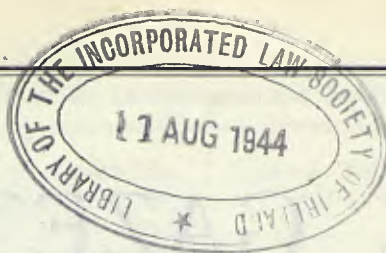


LIBRARY OF THE INCORPORATED LAW SOCIETY OF ILL.
11 AUG 1944

HOLERS
OUTLINE







THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 1]

MAY, 1940

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Half-yearly General Meeting	2, 3, 4
Meetings of the Council	4
Obituary	4
New Members	5
Petrol	5
Insurance Act, 1936	5
Examination Results	5

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 1]

MAY, 1940

[FOR CIRCULATION
AMONGST MEMBERS

HALF-YEARLY GENERAL MEETING.

A Half-yearly General Meeting of the Society was held on Thursday, 9th May, at the Solicitors' Buildings, Four Courts, Dublin, the President, Mr. Henry P. Mayne, in the chair.

The following members were also present : Messrs. James F. D'Arcy (Vice-President), C. G. Stapleton (Vice-President), P. R. Boyd, E. H. Burne, W. S. Hayes, W. S. Huggard, M. E. Knight, E. J. Mallins, W. McA. McCracken, W. J. Norman, Peter O'Connor, L. E. O'Dea, S. O hUadhaigh, T. G. Quirke, A. G. Joyce, J. R. McC. Blakeney, J. J. Walsh, J. J. Horgan, H. E. M. W. Flanagan, D. Fitzgerald, E. A. J. Plunkett, L. J. Egan, D. J. Mayne, V. E. Kirwan, J. D. Hollinger, M. Horan, D. B. Gilmore, C. J. Rutherford, J. D. Moran, H. H. Hurley, S. Hayes, P. K. M. Carey, G. Crowley, J. J. O'Connor.

The Secretary read the notice convening the meeting and the Minutes of the Half-yearly General Meeting held on the 27th November, 1939, the latter of which were signed by the President.

On the motion of Mr. Stapleton, Vice-President, seconded by Dr. Quirke, the following resolution was unanimously adopted :—

“ That Mr. A. E. Prentice, Mr. P. Glynn and Mr. E. J. O'Brien be appointed Auditors of the Society's accounts for year ending 30th April, 1940.”

The President nominated the following

members to be Scrutineers of Ballot for election of Council to be held in November next : Mr. H. G. Sweetman, Mr. Desmond J. Collins, Mr. Thomas Jackson, Mr. R. McC. Blakeney and Mr. C. W. Grove-White.

THE PRESIDENT, addressing the meeting, said :—

Since the meeting of the Society held on the 27th November last we have lost through death an unusually large number of members of our profession. I cannot allow this occasion to pass without making special reference to the late Mr. John J. Duggan whose death occurred with startling suddenness on the 23rd February. He had attended a meeting of the Council on the 15th February, and had taken, as he always did, an active part in the proceedings. At a further meeting on the 22nd February we learned with much concern that Mr. Duggan had become seriously ill that morning. The next day the end came.

To many of you Mr. Duggan was known as a Solicitor of great distinction, occupying the position in our profession to which his outstanding ability and high character entitled him. To those of us who served on the Council as his colleague, his death caused a feeling of personal loss hard to express.

The ability and robust commonsense which Mr. Duggan brought to bear on every problem which came before the Council, and the energy and tact which he displayed, not only during his year of presidency, but at all times, in his work for the profession will not

be forgotten by those who worked with him. Yet I venture to say that great as were his talents, and strenuous and successful as was his work for the profession, his colleagues will best remember John J. Duggan as a great gentleman, with qualities of heart and character, not easy to analyse or define, which inspired not only admiration and respect, but affectionate regard in those who had the privilege of his friendship.

I also wish briefly to refer to the late Mr. James A. Denning, a former member of our profession, who served on the Council of the Society up to the year 1914 when he was appointed as Taxing Master. To the younger members of the profession Mr. Denning can only have been known as Taxing Master, but many in this Hall to-day will recall him to mind as a distinguished practising Solicitor and a loyal colleague. He died full of years and honour, and with many of us his memory will long remain.

The late Mr. Thomas Ireland for many years acted as one of the honorary auditors of the Society's accounts. He was a much respected member of our profession. His death and the deaths of many others of our professional brethren are deeply deplored.

During the last six months the Council has been unusually busy in attending to matters affecting our profession. A great deal of work has been done, not all of which can at the moment be referred to in detail. One of the principal matters engaging the time and close attention of the Council may possibly be the subject of a special meeting of the Society at a later date.

LAND REGISTRY.

As a result of representations made by the Council to the Registrar of Titles a change has been introduced into the Office practice, and for the future Solicitors lodging copies of Folios to be written up will receive them back with the copies of the revised Folios when issued. The Registrar who has at all times carefully considered suggestions from the Council in reference to improvements in Office practice, has emphasised the advantages from the point of view of Solicitors of the revision of Folios, resulting in a lessening of labour in tracing out-of-date entries of

dealings with registered land no longer pertinent to the title.

LAW REPORTS.

The Council through its representatives on the Incorporated Council of Law Reporting has raised a question about the method and expense of obtaining official copies of judgments required for Appeals or other purposes. Our representations on the subject were sympathetically received, and while it is too soon to say that the grievances put forward will be wholly remedied, I have great hopes that an arrangement will be made for a more equitable system of charges. We recognise the great difficulties besetting the path of the Council of Law Reporting in its endeavours, with resources wholly inadequate to the task, to continue the official reporting of decided cases, without which the work of the Courts would be severely hampered. We can only hope that the sympathy of the Government may be enlisted and that a substantial grant, adequate to the necessity of the case may be forthcoming. I think our own Society might fairly be asked to increase the annual grant of thirty pounds which we make to this important work.

LEGAL TEXT BOOKS.

Somewhat similar to the difficulties of maintaining adequate law reporting are the difficulties confronting the Council in the matter of text books to be prescribed and recommended for our professional examinations. The list of such books is revised every year in consultation with the Special Examiners. The text books suitable for the use of our apprentices in some branches of law, notably the law of real property, are few in number, for the recent editions of standard English Text books deal only with English law of property which since the year 1925 has undergone revolutionary changes. We are therefore thrown back upon text books written before 1925 which is not altogether satisfactory, but the difficulty already exists and every year is becoming more acute that these old editions of the text books are scarce and even second-hand copies are in some cases almost impossible to obtain. So far we have been able to prescribe books which can, though with difficulty, be obtained, but unless more Irish text books are produced, the day is approaching when legal education in this country will be seriously hampered.

EXAMINATION RESULTS.

A year ago Mr. Reilly, my predecessor in the chair, referred at some length to the falling-off in the standard of answering at our examinations which was a matter of concern to the Council. I regret to say that at any rate so far as the Final Examination is concerned there has been no improvement. For a considerable time even a special certificate has seldom been achieved, and at times the standard has been so low that the Council has felt unable to award the valuable Findlater Scholarship. As against this very unsatisfactory state of affairs, we are able to record a marked improvement in the results of recent Examinations in the Irish language. I do not say that there is necessarily any close connection between the improvement in the one case and the disimprovement in the other, but I desire to impress upon candidates for our examinations that proficiency in the Irish language, while a condition precedent to entry to the profession, must not be achieved at the expense of a knowledge of law and practice, and that the Society has no intention of lowering the standard of legal education and knowledge required for admission to the profession. In fact it may be found necessary to follow the tendency exhibited by other professions and to prescribe even stricter and more onerous tests of proficiency before passing apprentices into the responsibilities of practice.

MEMBERSHIP OF THE SOCIETY.

At the risk of being accused of lack of originality I venture to repeat the appeal so often made by my predecessors in office for an increase in membership of the Society. I am of course, aware that all of you whom I am addressing are members, but through your efforts others of our professional brethren who so far have not joined the Society might very well be approached with a request to do what to my mind is their obvious duty. In particular I would appeal to every Solicitor who has an apprentice to see that the advantages of membership are impressed upon him or her. I have recently seen a statement that the English Law Society is seeking an Act of Parliament which will make membership of the Law Society compulsory for all Solicitors. I am not sure that such a method of obtaining members for

our Society would be desirable even if it were feasible, but I trust that the day will come when every Solicitor admitted will voluntarily as a matter of duty to his profession and to his own interest, join the Society.

The Meeting then terminated.

MEETINGS OF THE COUNCIL.

4th April.

Twenty-four members present.

The consideration was continued of draft Solicitors' Bill, 1940.

25th April.

Twenty-four members present.

High Court Judgments.

The President informed the Council of a discussion which he and Dr. Quirke as representatives of the Council on the Incorporated Council of Law Reporting had with that Council, in reference to a letter received by this Council from a member of this Society drawing attention to what he considered the excessive expense of obtaining copies of judgments from Court Reporters.

The Council of Law Reporting informed the President and Dr. Quirke of the financial difficulties involved and undertook to discuss the matter more fully later on and to submit further particulars.

Land Commission.

A letter was read from a member drawing attention to delays on the part of the Land Commission in the noting of assignments of lands not yet vested. It was directed that a letter be written to the Land Commission drawing attention to this matter.

Solicitors' Bill.

The consideration was continued of draft Solicitors' Bill, 1940.

OBITUARY.

MR. JAMES M. MURPHY, Solicitor, Tralee, died on the 3rd April, 1940, at Tralee.

Mr. Murphy was admitted in Trinity Sittings, 1890, and practised at Tralee up to 1922, when he retired.

NEW MEMBERS.

The following have joined the Society:—

Robert J. Cussen, Newcastle West.
Colum G. Duffy, 36 St. Stephen's Green,
Dublin.

Joseph F. Delany, Navan.
Miss Maureen A. Hawthorne, 15 Eustace
Street, Dublin.

John Maher, 20 Westland Row, Dublin.
Dermot Meagher, Tullamore.
James Rowlette, Sligo.

PETROL.

A deputation was received by the Ministry of Supplies at Ballsbridge, Dublin, upon the 3rd May, to consider an application from the Solicitors practising in the cities of Dublin, Cork, Galway and Limerick for an increased allowance of petrol to enable them to carry on their professional duties.

The President and the Secretary represented the Incorporated Law Society of Ireland; Mr. Hall represented the Southern Law Association; Mr. H. St. J. Blake represented Galway Solicitors, and Mr. Blood-Smyth represented Limerick Solicitors. The Chairman and Hon. Secretary of the Dublin Solicitors' Bar Association were also present.

After considerable discussion the deputation was informed that applications from Solicitors practising in the four cities, stating reasons and necessities for special consideration for an increased allowance of petrol, based exclusively on wants for professional purposes, and stating registration number, make, and horse-power of car, would receive consideration; the applications in cases of Solicitors members of the Incorporated Law Society, other than members of Dublin Solicitors' Bar Association, to be countersigned by the Secretary of the Society; in cases of applications by members of the Dublin Solicitors' Bar Association, by the Hon. Secretary of that Association; in cases of applications by members of the Southern Law Association, countersigned by the Hon. Secretary, and in cases of Galway and Limerick, by the Hon. Secretaries of the Solicitors' Sessions Bars of those cities. A form of application can be obtained at any Money Order Post Office—Form R.M.S.1.

INSURANCE ACT, 1936.

Parts I, III and IV of this Act were

brought into operation on the first day of February, 1937, but Part III was subsequently repealed by the Insurance (Amendment) Act, 1938.

Parts II, V and VII of the Act will come into operation on the first day of July next.

EXAMINATIONS RESULTS.

At the Preliminary Examination for intending apprentices to Solicitors held on 8th and 9th April, the following passed the examination and their names are arranged in order of merit:—

1. Thomas A. Morrow.
2. Tadg R. O'Braonain.
3. William S. A. Warren.
4. James D. Kiernan.
5. John M. O'Farrell.
6. James Dillon. } equal.
- John C. O'Carroll. }
8. Brendan White.
9. Thomas P. O'Reilly.
10. John P. Rogan.
11. Vincent A. Fanning.

Fourteen candidates attended; eleven passed; three failed.

At the Final Examination for apprentices to Solicitors held on the 1st and 2nd April, the following passed the examination and their names are arranged in order of merit:—

1. Michael J. Higgins.
2. Nicholas J. Cosgrave, jnr. } equal
- Robert K. Law, B.A.T.C.D. }
4. Alexander C. P. Ross.
5. Laurence J. B. Steen.
6. Kevin P. Wallace, B.A.N.U.I.
7. A. J. Forrest Hussey, B.A.N.U.I.
8. Francis J. Reilly
9. Patrick J. Morrissey.
10. Joseph P. O'Connell, B.A.N.U.I.
11. Charles R. Cuffe, B.A.T.C.D.
12. Charles S. Kelly.
13. Anderson D. Mason, B.A.T.C.D.
14. Alice M. Lanigan, } equal.
- John D. May. }
16. Denis J. Quinlan.
17. Lucy Fagan, B.A.N.U.I.
18. Eric C. Erskine.
19. Matthew J. P. Lardner, B.A.N.U.I.
20. Hugh Dillon-Malone.
21. Peter K. I. McCourt. } equal.
- Peter P. Taaffe. }
23. Philip J. Clarke.

Forty-two candidates attended; twenty-three passed; nineteen failed.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 2]

JUNE, 1940

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meetings of the Council	8
Obituary	8
New Members	8
Legal Appointments	9
The High Court of Justice Summer Circuits for 1940	9

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 2]

JUNE, 1940

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

9th May.

Nineteen members present.

Draft Solicitors' Bill, 1940.

The consideration of the Draft Solicitors' Bill, 1940, was continued.

23rd May.

Twenty-three members present.

County Management Bill.

A further letter was read from the Minister for Local Government and Public Health dealing with suggestions made by the Council in reference to the provisions of this Bill.

Section 47.

An application by a Solicitor for liberty to renew his certificaté was considered and the application was granted.

Draft Solicitors' Bill, 1940.

The consideration of the Draft Solicitors' Bill, was continued.

OBITUARY.

MR. THOMAS MONTGOMERY, Solicitor, died on the 22nd May, 1940, at his residence, Coolbeg, Shrewsbury Road, Dublin.

Mr. Montgomery served his apprenticeship with the late Mr. John J. O'Meara, Dublin, was admitted in Michaelmas Sittings, 1906, and practised at 17 Suffolk Street, Dublin.

MR. E. ARTHUR RYAN, Solicitor, died on the 26th May, 1940, at his residence, Ballinacourty House, Dungarvan.

Mr. Ryan served his apprenticeship with the late Mr. John F. Williams, Dungarvan, was admitted in Michaelmas Sittings, 1904, and practised at Dungarvan.

MR. DAVID ROCHE, Solicitor, died on the 25th May, 1940, at Bon Secours Home, Tralee.

Mr. Roche served his apprenticeship with the late Mr. Francis C. Downing, Tralee, was admitted in Trinity Sittings, 1898, and practised at Tralee up to 1935.

NEW MEMBERS.

The following have joined the Society :—

Henry P. Dockrell, 19 Upper Ormond Quay, Dublin.

Thomas J. Fitzpatrick, Cavan.

A. J. Forrest Hussey, 4 Leinster Street, Sth., Dublin.

Arthur S. Murphy, 19 Upper Ormond Quay, Dublin.

Henry W. McCormick, 40 Dawson Street, Dublin.

James G. McPhillips, 48 Middle Abbey Street, Dublin.

Denis F. O'Shea, Killarney.

George G. Overend, 24 Dame Street, Dublin.

Miss Mary E. Smith, 6 Lower Abbey Street, Dublin.

LEGAL APPOINTMENT.

Mr. Desmond Counahan, Solicitor, Waterford, has been appointed State Solicitor for the County Waterford with effect as from the 10th June, 1940.

**THE HIGH COURT OF JUSTICE.
SUMMER CIRCUITS FOR 1940.**

Sittings fixed for various Counties.

Eastern Circuit.

- Wicklow, at Wicklow, Monday, July 1st at 11.30 o'clock.
Wexford, at Wexford, Tuesday, July 2nd at 11 o'clock.
Waterford (City and County), at Waterford, Wednesday, July 3rd at 11.30 o'clock.
Tipperary South Riding, at Clonmel, Thursday, July 4th at 11.30 o'clock.
Tipperary North Riding, at Nenagh, Friday, July 5th at 2.30 o'clock.
Offaly, at Tullamore, Saturday, July 6th at 11 o'clock.
Leix, at Portlaoighise, Monday, July 8th at 10.30 o'clock.
Kilkenny, at Kilkenny, Tuesday, July 9th at 12.30 o'clock.
Carlow, at Carlow, Wednesday, July 10th at 12 o'clock.
Kildare, at Naas, Thursday, July 11th at 2.30 o'clock.

Judge :

The Honble. Mr. JUSTICE HANNA.

Southern Circuit.

- Clare, at Ennis, Tuesday, July 2nd at 11 o'clock.
Limerick (County and Limerick City), at

Limerick, Thursday, July 4th at 11 o'clock.

Kerry, at Tralee, Saturday, July 6th at 11 o'clock.

Cork County and Cork City, at Cork, Tuesday, July 9th, at 11 o'clock.

Judges :

The Honble. Mr. JUSTICE O'BYRNE.
The Honble. Mr. JUSTICE MARTIN MAGUIRE.

Western Circuit.

- Longford, at Longford, Tuesday, July 2nd at 11 o'clock.
Leitrim, at Carrick-on-Shannon, Friday, July 5th at 11 o'clock.
Sligo, at Sligo, Monday, July 8th at 11 o'clock.
Mayo, at Castlebar, Wednesday, July 10th at 11 o'clock.
Galway, at Galway, Tuesday, July 16th at 11 o'clock.
Roscommon, at Roscommon, Tuesday, July 23rd at 11 o'clock.

Judges :

The Honble. Mr. JUSTICE GEOGHEGAN.
The Honble. Mr. JUSTICE BLACK.

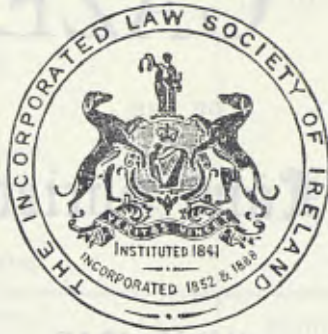
Northern Circuit.

- Louth, at Dundalk, Tuesday, July 2nd at 11 o'clock.
Monaghan, at Monaghan, Friday, July 5th at 11.30 o'clock.
Cavan, at Cavan, Saturday, July 6th at 12 o'clock.
Westmeath, at Mullingar, Wednesday, July 10th at 12 o'clock.
Meath, at Trim, Friday, July 12th at 11.30 o'clock.
Donegal, at Letterkenny, Wednesday, July 17th at 11 o'clock.

Judge :

The Honble. Mr. JUSTICE MEREDITH.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 3]

JULY, 1940

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

~~~~~

|                                                                         | PAGE  |
|-------------------------------------------------------------------------|-------|
| Meeting of the Council .....                                            | 12    |
| Obituary .....                                                          | 12    |
| Examinations Results .....                                              | 12—13 |
| Legal Practitioners' (Qualification) Act, 1929 .....                    | 13    |
| Statutes of the Oireachtas Passed during 1940 .....                     | 13    |
| Admission as Solicitors in Eire, January to June, 1940, inclusive ..... | 14    |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXIV, No. 3]

JULY, 1940

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETING OF THE COUNCIL.

13th June.

Twenty-four members present.

### Deeds of Assignment.

A letter was read in reply from the Irish Land Commission stating that every endeavour is being made to deal promptly with the perusal and noting of Deeds of Assignment.

### Income Tax Assessments.

A letter from a member of the Council was read enclosing copy of a letter from a local Inspector of Taxes written as a result of a letter from the member to the Revenue Commissioners, in which letter the Inspector states that "arrangements have been made to issue Notices of Assessment, in respect of Assessments on Taxpayers whose Schedule A and B Assessments are dealt with in Taxpayer Order for 1940/41 and future years."

### OBITUARY.

MR. THOMAS Y. CHAMBERS, Solicitor, died on the 24th April, 1940, at Celbridge, Co. Kildare.

Mr. Chambers was admitted in Hilary Sittings, 1885, and practised at Bailieborough up to 1938, when he retired.

MR. WILLIAM I. MAHAFFY, Solicitor, died on the 1st June, 1940.

Mr. Mahaffy was admitted in Michaelmas Sittings, 1890, and practised at Belfast up to 1934, when he retired.

MR. JOHN W. DIAMOND, Solicitor, died on the 18th June, 1940, at his residence, Horse-shoe road, Belfast.

Mr. Diamond served his apprenticeship with the late Mr. Robert Diamond, Belfast, was admitted in Michaelmas Sittings, 1908, and practised at 105 Royal Avenue, Belfast.

### EXAMINATIONS RESULTS.

At the Intermediate Examination held on the 4th June, the following passed the examination:

Passed with Merit:

1. John C. Griffin.
2. John F. O'Mahony.
3. Edward J. Durnin.
4. William J. A. Dundon.
5. Brendan P. O'Byrne.
6. Mary A. O'Connor.
7. James A. Casey.



Passed :

James Barry.  
John Bolton.  
Mary J. Brennan.  
Daniel J. Buckley.  
James J. Byrne.  
James L. Byrne.  
Thorold E. B. Eason.  
Dermot D. Fanning.  
Michael N. Gill.  
James B. Joyce.  
Patrick J. B. Keane.  
Hugh A. Ludlow.  
Mary J. MacClancy.  
Eithne M. MacInerney.  
Michael Nolan, junr.  
Roderick J. O'Connor.  
Michael B. O'Malley.  
Dermot O'Meara.  
Nicholas G. Proud.  
Thomas Reilly.  
Patrick A. Roche.  
Patrick M. Russell.  
Eugene Shine.  
Patrick J. V. Sweeney.  
Francis R. Tully.

Forty-six candidates attended; thirty-two passed; fourteen failed.

#### LEGAL PRACTITIONERS' (QUALIFICATION) ACT, 1929.

The following passed a "First" examination in Irish under the above Act, held on the 7th June :—

Cecil F. Braund.  
Patrick J. Brennan.  
Mary O'R. Huggard.  
James D. Kiernan.  
Daniel O'C. Miley.  
Thomas F. Millett.  
Patricia Moloney.  
Thomas A. Morrow.  
Tadg. R. O'Braonain.  
Fergus F. B. O'Meara.  
Cecil E. Prentice.  
Stanley A. Siev.  
Josephine Walsh.

Twenty candidates attended; thirteen passed; seven failed.

The following passed a "Second" examination in Irish under the above Act held on the 7th and 8th June :

John F. V. Arnold.  
Thomas G. Crotty.  
Patrick P. Devins.  
Blathnaidh Dillon.  
Anthony J. Dudley.  
Brendan East.  
Henry F. Hayes.  
Brendan J. Lynch.  
Anderson D. Mason.

Eighteen candidates attended; nine passed; nine failed.

#### STATUTES OF THE OIREACHTAS PASSED DURING 1940.

1. Emergency Powers (Amendment).
2. Offences against the State (Amendment).
3. Defence Forces (Temporary Provisions).
4. Unemployment Assistance (Amendment).
5. Central Fund.
6. Seeds and Fertilisers Supply.
7. Fire Brigades.
8. Local Government (Remission of Rates).
9. Public Hospitals (Amendment).
10. Housing (Amendment).
11. Defence Forces (Temporary Provisions) (No. 2).
12. County Management.
13. Institute for Advanced Studies.
14. Finance.
15. Local Authorities (Officers and Employees) (Amendment).
16. Emergency Powers (Amendment) (No. 2).
17. Appropriation.
18. Emergency Powers (Continuance).
19. Local Elections (Amendment).
20. Seanad Electoral (Panel Members) (Bye-Elections).
21. Local Government (Dublin) (Amendment).
22. Local Authorities (Cost of Living).
23. Enforcement of Court Orders.
24. Pigs and Bacon.
25. Exported Livestock (Insurance).
26. Imposition of Duties (Confirmation of Orders).



**ADMISSION AS SOLICITORS IN EIRE.**

January to June, 1940, inclusive.

| Name :                                                                        | Served Apprenticeship to :—       |
|-------------------------------------------------------------------------------|-----------------------------------|
| Carr, John, Kindrum, Co. Donegal ...                                          | William T. McMenamin, Ballybofey. |
| Early, Thomas P., 8 North Circular Road,<br>Dublin ... ..                     | Thomas Early, Dublin.             |
| Gill, Joseph, Westport, Co. Mayo ... ..                                       | Laurence Gill, Westport.          |
| Gannon, John Patrick Joseph, Killeshandra,<br>Co. Cavan ... ..                | Laurence J. O'Neill, Dublin.      |
| Hogan, Brigid, 1 Appian Way, Dublin ...                                       | The late Patrick Hogan, Loughrea. |
| Horan, Desmond Gerald Ignatius, St. Peters,<br>Ailesbury Road, Dublin ... ..  | Arthur Cox, Dublin.               |
| Hussey, Anthony J. Forrest, 5 Belleville<br>Avenue, Rathgar, Dublin ... ..    | Daniel J. O'Connor, Dublin.       |
| Higgins, Michael Joseph, 26 Kenilworth Road,<br>Rathgar, Dublin ... ..        | Niall D. McLaughlin, Dublin.      |
| King, Joseph, The Mall, Westport, Co. Mayo                                    | P. J. Donnelly, Westport.         |
| Kelly, Charles, 11 Crane Lane, Dublin ...                                     | Hugh J. Fitzpatrick, Dublin.      |
| Law, Robert Kenneth, Erington, Carlow ...                                     | Frédéric W. Law, Carlow.          |
| McCormack, Patrick P. B., Wentworth Villa,<br>Wicklow ... ..                  | Stephen Dempsey, Dublin.          |
| McMorrow, Peter Alfred, Manorhamilton,<br>Co. Leitrim ... ..                  | Daniel J. O'Connor, Dublin.       |
| MacDonagh, Thomas Joseph, 3 Greenpark,<br>Orwell Road, Rathgar, Dublin ... .. | Marcus A. Lynch, Dublin.          |
| McMahon, Thomas Malachi, Rosses Point,<br>Sligo ... ..                        | James O'Doherty, Sligo.           |
| McCormick, Henry Windrum, 28 Alma Road,<br>Monkstown, Co. Dublin ... ..       | Arthur T. Ellis, Dublin.          |
| May, John Donal, 21 Wellington Road, Dublin                                   | Edward Ryan, Dublin.              |
| Morrissey, Patrick Joseph, 88 O'Connell<br>Street, Dungarvan ... ..           | Austin R. Farrell, Dungarvan.     |
| O'Dwyer, John J., 360 Clontarf Road, Dublin                                   | James F. Lawlor, Dublin.          |
| O hUadhaigh, Sean Antoine, Gleann Caor-<br>thainn, Dalkey ... ..              | Sean O hUaidhaigh, Dublin.        |
| O'Connell, Joseph Patrick, 8 Crescent Villas,<br>Glasnevin ... ..             | John Cusack, Dublin.              |
| Peart, Denis Redmund, 5, Ailesbury Road,<br>Dublin ... ..                     | John R. Peart, Dublin.            |
| Ross, Alexander Cyril Patrick, Coolbawn,<br>Midleton, Co. Cork ... ..         | William St. Clair Rice, Midleton. |
| James Smith, Arva, Co. Cavan ... ..                                           | George V. Maloney, Cavan.         |
| Steen, Laurence J. B., Navan, Co. Meath ...                                   | Ambrose Steen, Navan.             |
| Walker, John Joseph, The Yellow House,<br>Rathfarnham, Dublin ... ..          | James G. O'Connor, Dublin.        |
| Wallace, Kevin Patrick, Portnashangan<br>House, Multifarnham, Co. Meath ...   | John E. Wallace, Mullingar.       |

---

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

---

Vol. XXXIV, No. 4]

AUGUST, 1940

[ FOR CIRCULATION  
AMONGST MEMBERS

---

## CONTENTS.

~~~~~

	PAGE
Meetings of the Council	16
Obituary	16
Examinations	16—17
Michaelmas Sittings Lectures, 1940	17
Commissioners for Oaths appointed between 31st July, 1939 and 31st July, 1940	17
Notaries Public	17

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 4]

AUGUST, 1940

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

4th July.

Twenty-seven members present.

Draft Solicitors Bill, 1940.

The Draft Solicitors Bill, 1940 was further considered and the consideration was concluded, and it was ordered that the amendments made by the Council be submitted to Counsel and as settled by Counsel be inserted in the Bill. That the Bill so amended be re-printed and that copies of the re-printed Bill be sent to the Southern Law Association and to each of the Hon. Secretaries of Solicitors' Bar Associations of Éire with a request from the Council that the Bill will be considered by each one of these Bodies, and that each will forward to the Society a report thereon. That when such reports are received they be submitted to the Council with copies of the reprint of the Bill, and when considered by the Council arrangements be made for submitting the draft Bill to a special meeting of the Society for consideration.

25th July.

Twenty-three members present.

Section 47.

Applications by two Solicitors for renewal of annual certificates were considered and both were granted.

Adjournment.

The Council adjourned until Thursday, the third day of October, unless otherwise in the meantime specially summoned.

OBITUARY.

MR. SPENCER L. H. KELLY, Solicitor, died on the 31st July, 1940, at "Rosefield," Blackrock, Co. Dublin.

Mr. Kelly was admitted in Michaelmas Sittings, 1889, and was a member of the staff of the Solicitors' Department of the Irish Land Commission up to 1929, when he retired.

MR. JAMES BOYLE, Solicitor, died at Ballymoney, Co. Antrim.

Mr. Boyle was admitted in Trinity Sittings, 1888, and practised as a member of the firm of P. & J. Boyle at Ballymoney.

EXAMINATIONS.

October, 1940.

A Final Examination will be held upon Tuesday and Wednesday, the 1st and 2nd days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 11th September.

A "First Examination" in Irish will be held upon Friday the 4th day of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 14th September.

A "Second Examination" in Irish will be held upon Friday and Saturday, the 4th and 5th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 14th September.

An Intermediate Examination will be held upon Monday, the 7th day of October.

Notice of intention to attend the examination should be lodged in the Secretary's Office before the 17th September.

A Preliminary Examination will be held upon Tuesday and Wednesday the 8th and 9th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 18th September.

MICHAELMAS SITTINGS LECTURES, 1940.

Junior Lectures (which will be held upon Mondays and Thursdays and will be twelve in number) will begin upon Thursday, the 10th October, 1940, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 25th September.

Senior Lectures (which will be held upon Tuesdays and Fridays and will be twelve in number) will begin upon Friday, the 11th October, 1940, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 25th September.

COMMISSIONERS FOR OATHS APPOINTED BETWEEN 31st JULY, 1939 and 31st JULY, 1940.

DUBLIN SOLICITORS.

John Kenneth Holcroft Lloyd-Blood, 53 Dame Street, Dublin, C.1.

William Walsh, 4 Grafton Street, Dublin, C.3.

Aloysius Desmond O'Riordan, 7 St. Andrew Street, Dublin.

James Edward Francis Dargan, 23 Anglesea Street, Dublin.

William Gerald Fanning, 29 Lr. O'Connell Street, Dublin, C.8.

James Vincent Aitken, 21 Upper Ormond Quay, Dublin.

James Francis Joseph Gerard Kent, 55 Lr. O'Connell Street, Dublin.

William Henry Phayre, 24 Clare Street, Dublin.

Robert Joseph Sheehan, 130 St. Stephen's Green, Dublin.

Patrick Joseph Walsh, 17 D'Olier Street, Dublin.

Mrs. Eugenie Rose Houston, 31 Upper O'Connell Street, Dublin.

Joseph Hugh Evans, 13 Westmoreland Street, Dublin.

Peadar Cowan, 67 Dame Street, Dublin.

Henry Patrick Joseph Powell, 6 Merrion Row, Dublin, C.18.

Brendan Patrick McCormack, 56 Lower O'Connell Street, Dublin, C.8.

SOLICITORS AND OTHERS OUT OF DUBLIN.

Taghd Small, No. 7 Ardán Fearann Seoin Thomond Gate, Limerick, Peace Commissioner.

Denis Joseph Lennon, Main Street, Bunclody, Wexford, Auctioneer.

James Gogarty, Ard-na-Greine, Cahir, Co. Tipperary. Motor Engineer (retired).

John Patrick O'Connor, 39 Bridge Street, Tralee, Co. Kerry. Solicitor's Managing Clerk.

Patrick Ganly, Main Street, Moate, Co. Westmeath, Peace Commissioner and retired Merchant.

Charles Greene, Falcarragh, Co. Donegal, Merchant, Peace Commissioner.

Cuthbert J. Furlong, Letterkenny, Co. Donegal, Solicitor.

John Grant Sweeney, Ballyshannon, Co. Donegal, Solicitor.

Martin Tierney, Esker, Castleblakeney, Co. Galway, District Court Clerk.

Mathew Colm Mullen, Park Street, Dundalk, Solicitor.

Michael Marron, Cavan, Auctioneer.

James Matthew McGinniss, Kingscourt, Co. Cavan, Draper.

Patrick Daly, Kingscourt, Co. Cavan, Retired Station Master and Peace Commissioner.

NOTARIES PUBLIC APPOINTED BETWEEN 31st JULY, 1939 and 31st JULY, 1940.

David Vincent O'Meara, 12 Anglesea St., Dublin, for County and City. Stockbroker.

Henry John Joseph Walker, Athlone for Roscommon, Solicitor.

James Austin Connellan, Strokestown, for Roscommon, Solicitor.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

...of the ...
...of the ...
...of the ...
...of the ...
...of the ...

THE GAZETTE

NOTICE TO THE PUBLIC

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...
...of the ...
...of the ...

NOTICE TO THE PUBLIC

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...

...of the ...
...of the ...
...of the ...



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 5] NOVEMBER, 1940

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meetings of the Council	20
Ballot for Council	20
General Meeting	20
Obituary	20—21
The Irish Agricultural Organisation Society	21
Examinations Results	22—23
Scholarships 1940	23
Examination Papers 1940	23
The Solicitors' Golfing Society	23

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 5] NOVEMBER, 1940

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

3rd October.

Eighteen members present.

Seanad Bye-Elections.

The Council elected the following members to be members of the Standing Committee of the Cultural and Educational Panel under the Seanad Electoral (Panel Members) (By-elections) Act, 1940. :—The President (Mr. H. P. Mayne), Mr. T. G. Quirke, (a Past President), and Mr. Cecil G. Stapleton (a Vice-President).

24th October.

Thirty-one members present.

Court of Examiners.

The report of the Court of Examiners giving the results of the October examinations, and the awards of Exhibitions and Honours was submitted.

County Registrar's Offices.

In reply to a letter from a country member the Council expressed the opinion that it is desirable there should be uniformity of practice in the matter of the lodgment of papers in County Registrars' Offices for obtaining judgment by default and that such lodgment should be made in person by or on behalf of the solicitor applying.

BALLOT FOR COUNCIL.

The ballot for election of Council for year ending 26th November, 1941, will be held on Thursday, 21st November, 1940, from eleven

o'clock to one o'clock, in the Secretary's Office, Solicitors' Buildings, Four Courts, Dublin. Voting papers should reach the Secretary not later than one o'clock p.m. on Thursday, 21st November.

GENERAL MEETING.

A half-yearly General Meeting of the Society will be held at half-past two o'clock, p.m., on Tuesday, 26th November, 1940, in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin.

OBITUARY

MR. JOHN G. FOTTRELL, Solicitor, died on the 16th August, 1940, at his residence, "Richelieu," Sidney Parade, Dublin.

Mr. Fottrell was admitted in Michaelmas Sittings, 1881, and practised as a member of the firm of George D. Fottrell & Son at 46 Fleet Street, Dublin, up to 1939, when he retired.

He was a member of the Council of the Society from 1900 to 1913, and was a Vice-President of the Society for the year 1902-3.

From 1896 to 1922 he was Crown Solicitor for Co. Meath.

MR. JOSEPH BROGAN, Solicitor, died on the 2nd September, 1940, at 100 Iona Road, Dublin.

Mr. Brogan served his apprenticeship with the late Mr. Claude J. Law, Dublin, was admitted in Trinity Sittings, 1930, and practised as a member of the firm of Malcomson & Law, at 60 Dawson Street, Dublin.

MR. JOSEPH V. LAHIFF, Solicitor, died on the 7th September, 1940, in London.

Mr. Lahiff served his apprenticeship with the late Mr. William Sterne, Dublin, was admitted in Michaelmas Sittings, 1898, and practised at 62 Dame Street, Dublin, up to 1911 when he retired.

MR. WILLIAM J. MOLLOY, Solicitor, died on the 18th September, 1940, at his residence, 25 Leeson Park, Dublin.

Mr. Mollöy served his apprenticeship with Mr. Francis J. Little, Dublin, was admitted in Hilary Sittings, 1912, and practised under the style of J. P. Tyndall & Co., at 11 Fleet Street, Dublin.

MR. DANIEL O'CALLAGHAN, Solicitor, died on the 21st September, 1940, in Limerick.

Mr. O'Callaghan served his apprenticeship with the late Mr. Henry Blackall, Limerick, was admitted in Hilary Sittings, 1898, and practised at Limerick up to 1917, when he retired.

MR. JOHN W. F. GARVEY, Solicitor, died on the 22nd September, 1940.

Mr. Garvey was admitted in Michaelmas Sittings, 1881, and practised at Ballina, Co. Mayo, up to 1930, when he retired.

He was Crown Solicitor for Co. Mayo from 1905 to 1922.

MR. JOHN W. DAVIDSON, Solicitor, died on the 27th September, 1940, in Ballinasloe.

Mr. Davidson served his apprenticeship with his father, Mr. Hutchinson Davidson, Ballinasloe, was admitted in Trinity Sittings, 1925, and practised at Ballinasloe.

MR. ROBERT CUSSEN, Solicitor, died on the 29th September, 1940, at his residence, Newcastle West, Co. Limerick.

Mr. Cussen was admitted in Trinity Sittings, 1890, and practised at Newcastle West.

MR. MICHAEL R. HEGARTY, Solicitor, died on the 1st October, 1940, at Kinsale, Co. Cork.

Mr. Hegarty served his apprenticeship with the late Mr. Florence O'Sullivan, Solicitor, Kinsale, was admitted in Michaelmas Sittings, 1899, and practised at Kinsale.

MR. HENRY T. HENCHY, Solicitor, died on the 2nd October, 1940 at Dublin.

Mr. Henchy served his apprenticeship with the late Mr. Thomas F. Crozier, Dublin, was admitted in Trinity Sittings, 1926, and practised as a member of the firm of T. F. Crozier & Son, at 14 Ely Place, Dublin.

MR. PATRICK O'BRIEN, Solicitor, died on the 2nd October, 1940, at Dun Laoghaire, Co. Dublin.

Mr. O'Brien served his apprenticeship with Mr. John L. Burke, Dublin, was admitted in Hilary Sittings, 1931, and practised at Bruff, Co. Limerick.

MR. JOHN TWEEDY, Solicitor, died on the 3rd October, 1940, at his residence, Hill Top House, Howth, Co. Dublin.

Mr. Tweedy was admitted in Trinity Sittings, 1884, and practised for a number of years as Solicitor to the Provincial Bank of Ireland, at 5 College Street, Dublin, up to 1934, when he retired.

MR. JOSEPH ALEXANDER, Solicitor, died on the 5th October, 1940, at his residence, "Imlic," Carrigans, Co. Donegal.

Mr. Alexander served his apprenticeship with the late Mr. Robert H. Todd, Londonderry, was admitted in Hilary Sittings, 1895, and practised at Londonderry.

MR. DANIEL J. O'MAHONY, Solicitor, died on the 4th October, 1940, at his residence, "Carrigeen," Fermoy.

Mr. O'Mahony served his apprenticeship with the late Mr. Anthony Carroll, Fermoy, was admitted in Michaelmas Sittings, 1934, and practised at Fermoy.

MR. PATRICK H. O'BRIEN, Solicitor, died on the 22nd October, 1940, at 35 Strand Road, Sandymount, Dublin.

Mr. O'Brien served his apprenticeship with the late Mr. Patrick Maxwell, Londonderry, was admitted in Hilary Sittings, 1894, and practised at 2 Greek Street, Dublin, up to 1936, when he retired.

THE IRISH AGRICULTURAL ORGANISATION SOCIETY.

At a recent meeting of the Council of the Incorporated Law Society a communication from the Irish Agricultural Organisation Society in reference to the transfer of shares in Co-operative Creameries was considered.

The communication pointed out that owing to the failure of Shareholders in many Co-

operative Societies to transfer their shares in accordance with the Rules of the Societies when disposing of their farms such shares could not be transferred to new owners on the deaths of the shareholders in the absence of legal personal representatives of such shareholders.

It frequently transpired that on the death of a farmer, who had transferred his farm in his lifetime, that his only assets were the few shares in the local Creamery and as the expense of extracting administration was generally out of proportion to the value of the shares no steps were taken to raise representation to his estate with the result that such shares could not be legally transferred to a new owner.

The I.A.O.S. have suggested that solicitors, particularly those practising in the country, might favourably consider drawing the attention of their clients to this matter when farms are being transferred, and thus assist the Committees of Co-operative Societies in keeping the share registers up-to-date.

The Council were of opinion that the suggestion of the I.A.O.S. is worthy of the consideration of all practising solicitors.

EXAMINATIONS RESULTS.

At the Preliminary Examination held on the 8th and 9th October, the following candidate passed the examination:—

Joseph A. Egan.

Three candidates attended; one passed; two failed.

PRELIMINARY EXAMINATIONS AWARDS, 1940.

A Gold Medal was awarded to Thomas A. Morrow; Silver Medals were awarded to Tadg R. O'Braonain, William S. A. Warren and James D. Kiernan.

LEGAL PRACTITIONERS (QUALIFICATION) ACT, 1929.

The following passed a "First Examination" in Irish under the above Act, held on the 4th October.

William B. Allen.
James Binchy.
Kathleen M. Casey.
Raymond V. H. Downey.
Nuala Early.
Joseph A. Egan.
Brendan Hanafin.
Patrick Healy.
Gerard Horan.

Patrick C. Jones.
Arthur E. MacMahon.
Sheila B. McCrann.
John P. M. McNally.
Donal H. O'Byrne.
Peter E. O'Connell.
Pauline O'Donovan.
John O'Dwyer.
Thomas F. O'Reilly.
Maurice M. Power.
John D. Quin.

Twenty-five candidates attended; twenty passed; five failed.

The following passed a "Second Examination" in Irish under the above Act, held on 4th and 5th October.

Leo Branigan.
Daniel A. Creedon.
Cornelius Crowley.
Richard J. Elgee.
Joanna M. Kelly.
John F. Kiernan.
Matthew J. P. Lardner.
John T. Louth.
James B. McClancy.
Eunan E. McCarron.
Margaret Morris.
Joseph Plunkett.
John F. Scott.
Mary W. E. Thornton.
Vernon A. Walker.
Hugh B. Ward.

Twenty-seven candidates attended; sixteen passed; eleven failed.

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

Passed with merit.

1. Edward W. Healy.
2. Terence B. Adams.
3. Sean D. O'Conghaile.
4. Gerard M. Doyle
Daniel J. MacGettigan
Thomas A. Moylan
7. Gabriel Warde.

} equal.

Passed.

David Bell.
Liam D. Boyd.
Randal Counihan.
George D. Hodnett.
Simon T. T. Kelly.
Frederick A. Lyons.
Patrick McEntee, Junior.
Robert B. McGrath.
Diarmuid M. Murphy.
Stephen A. Murtagh.
Kevin Nugent.

Meadhbh O hUadhaigh.
Laurence Walsh.

Twenty-eight candidates attended; twenty passed; eight failed.

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

1. James F. Kearney.
2. Daniel Lynch, B.A.N.U.I.
3. John B. Lynch.
4. Arthur B. McLean.
5. John C. Devitt.
6. Henry F. Hayes.
7. Charles M. Ryan
8. Patrick V. Boland.
9. William A. Crowley.
Donald R. Cullen } equal.
11. Thomas G. Crotty.
12. Hugh B. Ward.
13. Cyril D. Tarrant.
14. Blathnaidh Dillon.
15. Moya O'Connor, B.A.N.U.I.
16. Edward St. L. Blakeney.
17. Philip V. Clarke.
18. Brendan East
19. Joseph Linehan
Eithne P. McMullin,
B.A.N.U.I. } equal.
- John A. O'Loughlin
22. Michael J. Egan, Jr., B.A.N.U.I.
23. Mary T. Corboy, B.A.N.U.I.
Thomas N. Lynam.
William McCarthy. } equal.
26. Henry B. Linehan, B.A.N.U.I.
27. Maureen Hannon.

Forty-five candidates attended; twenty-seven passed; eighteen failed.

A Special Certificate was awarded to James F. Kearney.

SCHOLARSHIPS 1940.

The Overend Final Examination Scholarship (Real Property and Conveyancing) was awarded to James F. Kearney.

The Overend Preliminary Examination Scholarship was awarded to Thomas A. Morrow.

The Findlater Scholarship was not awarded for 1940.

EXAMINATION PAPERS 1940.

Copies of papers set at all the Examinations held by the Society during 1940 can be obtained in the Secretary's Office, price two shillings, net, postage free.

THE SOLICITORS' GOLFING SOCIETY.

The Autumn Meeting of the Society was held at Portmarnock Golf Links on the 24th

September, when the following members competed for the Incorporated Law Society's Challenge Cup, and the Ryan Challenge Cup (limited to members with handicaps of 13 and upwards):—

The Captain, A. Rolleston (The Heath), Basil Thompson (Portmarnock), Commissioner D. J. Browne (Portmarnock), W. J. O'Reilly (Portmarnock), S. O'Connor Co. Registrar (Portmarnock), D. O'Connell (Greenore), M. J. Lardner (Rossmore), M. Matthews (Co. Louth), T. A. O'Reilly (Royal Dublin), S. Roche (Carlow), R. H. Brett (Rossmore), D. J. Delany (Woodbrook), J. D. Kearns (Milltown), F. Farrell (Longford), W. Norman (Foxrock), A. Joyce (Portmarnock), T. C. Kehoe (Carlow), Hugh Fitzpatrick (Castle), J. Dillon-Leetch (Ballyhaunis), F. McKeever (Hermitage), J. Tyrell (Bray), J. H. McCarroll (Wicklow), G. Grove White (Portmarnock) P. R. Boyd (Dun Laoghaire), T. D. McLoughlin (Portmarnock), J. Ryan (Abbey-leix), D. Morris (Portmarnock), J. D. Clenaghan (Portmarnock), J. Geary (Dun Laoghaire), D. Early (Carlow), A. Malone (Bellinter Park) J. Hickey (Grange), E. Williams (Carlow), P. C. Moore (Hermitage).

The leading scores were: D. J. Delany (18) 68 (winner of Incorporated Law Society's Challenge Cup); Seamus O'Connor (11) 71; J. Ryan (12) 71; T. J. Kehoe (5) 73 (prize for best gross); P. C. Moore (17) 76 (winner of Ryan Challenge Cup); J. H. McCarroll (7) 78.

A Nine Hole Fourball Sweepstake was played in the afternoon and was won by T. Williams and D. Early with three up. The runners up were J. Norman and P. R. Boyd and J. J. Hickey and T. Dillon Leetch with two up.

At the Annual Meeting the following officers were elected for 1941:—

President—The President of the Incorporated Law Society; Captain—P. R. Boyd; Hon. Treasurer—T. D. McLoughlin; Hon. Secretary—J. D. Rooney.

Committee—P. Glynn, H. Fitzpatrick, T. A. O'Reilly, T. J. Kehoe, (Carlow) and R. Walsh (Wexford).

At a Dinner which followed, the Captain in proposing the toast of The Guests welcomed the President of the Incorporated Law Society, Mr. H. Mayne, and the Attorney-General, Mr. Kevin Haugh, S.C.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 6] DECEMBER, 1940

[FOR CIRCULATION
AMONGST MEMBERS]

CONTENTS.

	PAGE
The President	26
The Vice-Presidents	26
Obituary	26
New Members	26
Legal Practitioners (Qualification) Act, 1929	27
Hilary Sittings, 1941	27
Solicitors' Bill, 1940	27
Half-yearly General Meeting	27—28—29

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 6] DECEMBER, 1940

[FOR CIRCULATION
AMONGST MEMBERS

THE PRESIDENT.

The Council elected on the 5th December Mr. Jasper Travers Wolfe, of Skibbereen, Co. Cork, to be President of the Society for the ensuing twelve months. The newly-elected President was admitted in Michaelmas Sittings, 1893. He was elected as a member of the Council in 1928 and was a Vice-President of the Society for 1932-33.

THE VICE-PRESIDENTS.

The Council has elected Mr. William J. Norman, of 1 Dame Street, Dublin, and Mr. Daniel O'Connell, of Dundalk, to be Vice-Presidents of the Society for the ensuing twelve months.

OBITUARY.

MR. MICHAEL A. GALVIN, Solicitor, died on the 5th November, 1940, at his residence, Granite Lodge, Glenageary Road, Dun Laoghaire, Co. Dublin.

Mr. Galvin served his apprenticeship with the late Mr. Theodore Cronhelm, Dublin, was admitted in Hilary Sittings, 1890, and practised at 22 Bachelor's Walk, Dublin.

MR. ROBERT G. WARREN, Solicitor, died on the 19th November, 1940, at his residence, Glenbair, King Edward Road, Bray, Co. Wicklow.

Mr. Warren was admitted in Michaelmas Sittings, 1889, and practised as a member of the firm of Lambert and Warren at 9 Eustace Street, Dublin.

He was a member of the Council of the Society from 1907 to 1930, and was President of the Society for the year 1918-19.

MR. FRANCIS W. GORE-HICKMAN, Solicitor, died on the 26th November, 1940, at Dublin.

Mr. Gore-Hickman served his apprenticeship with the late Mr. Henry R. Tweedy, Dublin, was admitted in Hilary Sittings, 1903, and practised as a member of the firm of Kerin, Hickman and O'Donnell at Ennis, Co. Clare.

MR. EDMUND A. KILLINGLEY, Solicitor, died on the 26th November, 1940.

Mr. Killingley served his apprenticeship with Mr. Ernest W. Harris, Dublin, was admitted in Hilary Sittings, 1902, and practised at 13 Terenure Park, Dublin.

NEW MEMBERS.

The following have joined the Society :—
Richard C. Faris, Cavan.

Charles W. D. Hyland, 11 St. Stephen's Green, Dublin.

Frederick W. Koenigs, 10 Ely Place, Dublin.

Thomas G. Logue, Newtowncunningham.

James D. MacCarthy, Carlow.

Patrick J. McEllin, Claremorris.

Trevor G. B. McVeagh, 33 Kildare Street, Dublin.

William M. Mullan, 25 Eustace Street, Dublin.

Donal O'Hagan, Drogheda.

John H. O'Keefe, 56 Grand Parade, Cork.

Alexander C. P. Ross, 67 Dame Street, Dublin.

William Tormey (Junn.), Athlone.

Vernon A. Walker, 1 College Street, Dublin.

William Walsh, 4 Grafton Street, Dublin.

LEGAL PRACTITIONERS (QUALIFICATION) ACT, 1929.

A "First" Examination in Irish and a "Second" Examination in Irish will be held upon Friday and Saturday the 7th and 8th days of February, 1941. Notices of intention to attend either of the above-mentioned examinations should be lodged in the Secretary's Office before the 17th day of January.

HILARY SITTINGS LECTURES, 1941

Senior Class lectures will begin upon Tuesday, the 14th January. Junior class lectures will begin on Monday the 13th January.

SOLICITORS' BILL, 1940.

Copies of the draft Solicitors' Bill, 1940, are now in the Library and can be had on loan by members under the same arrangement as that on which books may be loaned.

HALF-YEARLY GENERAL MEETING

The Half-yearly General Meeting of the Society was held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Tuesday the 26th November. The Chair was occupied by the President (Mr. Henry P. Mayne), and the following members of the Society were also present:— Messrs. Cecil G. Stapleton (Vice-President), P. R. Boyd, W. G. Bradley, E. H. Burne, J. P. Carrigan, E. F. Collins, J. J. Dunne, J. B. Hamill, W. S. Hayes, M. G. R. Lardner, J. J. Lynch, E. J. Mallins, T. D. McLoughlin, W. J. Norman, Daniel O'Connell, Sean O hUadhaigh, P. F. O'Reilly, G. A. Overend, T. G. Quirke, C. J. C. Joyce, A. H. S. Orpen, L. J. Jameson, A. E. Ashton, Roger Greene, R. J. Muldowney, P. K. M. Carey, D. B. Gilmore, Basil Thompson, R. J. Kenny, M. Horan, Ivan Howe, R. J. Dodd, V. Kennedy, Samuel Hayes, H. R. Maunsell, W. H. Phayre, A. G. Joyce, C. W. Grove-White, J. R. C. Green, H. P. Dockrell, G. G. Overend, E. W. Proud, J. B. McCann, A. B. Watson, M. J. Bowers, V. Walker, A. E. Walker, E. A. Margetson, R. J. Tierney, J. W. Gentleman, R. P. Humphries, T. J. Kenny, C. Gore-Grimes, J. J. Hannan,

H. W. McCormick, G. E. Grove-White, W. J. M. Coulter, J. J. Hickey, A. T. Ellis, A. J. Reddy, J. R. McC. Blakeney, H. E. M. W. Flanagan.

The Secretary read the notice convening the meeting, also the Minutes of the General Meeting of 9th May, 1940, which were signed by the Chairman.

The Chairman, with the consent of the Meeting, signed the audited accounts of the Society for the year ending 30th April, 1940.

The Secretary read the report of the Scrutineers of the Ballot for Council, which stated that the following had been returned unopposed as Provincial Delegates:— Ulster, John Gillespie; Munster, A. J. Blood-Smyth; Connaught, C. E. Callan; and that for Leinster two candidates had been nominated, and had received the following votes—W. L. Duggan, 45; John J. Walsh, 29; and the Scrutineers returned W. L. Duggan elected Provincial Delegate for Leinster. That for the thirty-one Ordinary members of the Council the following had been elected, and received the number of votes placed after their respective names:—D. J. Reilly, 385; J. T. Wolfe, 374; E. F. Collins, 364; H. St. J. Blake, 359; H. P. Mayne, 353; T. G. Quirke, 352; M. E. Knight, 350; Peter O'Connor, 345; J. J. Lynch, 340; P. R. Boyd, 340; W. S. Hayes, 330; L. E. O'Dea, 329; Sean O hUadhaigh, 329; P. F. O'Reilly, 320; W. J. Norman, 318; D. O'Connell, 316; J. R. Brennan, 304; G. A. Overend, 303; J. B. Hamill, 300; J. P. Carrigan, 299; J. J. Dunne, 298; W. G. Bradley, 294; E. J. Mallins, 292; W. S. Huggard, 288; E. H. Burne, 276; C. G. Stapleton, 271; T. D. McLoughlin, 270; J. J. Dundon, 266; H. O'Donnell, 263; R. A. Macaulay, 258; M. G. R. Lardner, 241. And the following to form a supplemental list in case of vacancies:—Roger Greene, 211; W. McA. McCracken, 202; R. N. Keller, 185.

THE PRESIDENT, addressing the Meeting, said:—

Since the last half-yearly meeting of the Society we have lost through death a large number of members of our profession. I wish to pay a brief tribute to the memory of two past members of our Council who faithfully discharged the duties of their offices and whose deaths are deplored by all who knew them.

Mr. John Fottrell was a member of the Council from 1900 to 1913 and was a Vice-President of the Society in the year 1902-3. Although he had retired from practice some time before his death, many in this Hall will remember him as an active member of our profession, carrying into our own day the high tradition of a family which for a hundred years has borne an honoured name in the legal life of our country.

Within the last few days the Society and our profession has suffered a great loss in the death of an honoured and beloved Past President. The late Mr. Robert G. Warren served on the Council for a long period and occupied the presidential chair in the year 1918-1919. I think only three of the members of the outgoing Council served under Mr. Warren as President, but many of us remember him as a wise and loyal colleague ever ready to place his long experience and sound judgment at the disposal of the Council or indeed of any member of the profession who sought his aid.

To the relatives of both these past members of the Council I beg to tender on behalf of the Society an expression of sympathy.

It is satisfactory to note that during the past year the membership of the Society has increased by the substantial figure of forty-one. As mentioned in the Report, this happy state of affairs must be attributed to the speech made by my predecessor in the chair, Mr. D. J. Reilly, at the meeting in November 1939. Mr. Reilly thus closed his year of office, in which he did such splendid work for the profession, by an appeal which proved successful beyond expectation, though not beyond its skill or merits. I should like to think that Mr. Reilly's appeal has not yet spent its force and that the membership of the Society will show a further increase during 1941.

The principal matters which have engaged the attention of the Council during the past year are mentioned in the Annual Report, and I need not weary you by referring at length to all of them. I think the record shews that the Council has looked after the interests of the profession with care and diligence. It is probably unnecessary to say that by far the greater part of the work of the Council is not that which finds its way

into the Annual Report, but is nevertheless of the highest importance to the profession at large, to individual members of the Society and to the public.

I may, however, be excused if I occupy your attention for a short time in referring particularly to one very important matter which occupied the Council during the past year, namely, the production of a draft Bill, which if, and when, it receives the approval of the Society, will be introduced into Parliament, and it is to be hoped will in due course pass into law.

At page 9 of the Annual Report appears a brief account of the origin of the Bill and the steps so far taken in regard to it.

The Council approached the task imposed upon it by the resolution of the Annual Meeting of November, 1937, with a feeling of great responsibility. It became evident at the start that the direction given to the Council by the resolution could only be effected by means of an Act to confer additional powers on the Society. The first point to be decided was whether to promote a Bill to amend the Act of 1898 in certain particulars only or to seek a more comprehensive measure effecting such changes in the law as were considered necessary or desirable in relation to the profession and giving the Society wider powers than it now has by law. This is not an opportune time to explain the provisions of the draft Bill or to debate its merits. The draft has been sent to each local Solicitors' Bar Association throughout the country, and copies will be available for perusal in the Society's library, but it is felt that a reasonable time should be given to enable the members of the Society to acquaint themselves with the provisions of the Bill before proceeding with its consideration.

It is intended in due course to call a special meeting of the Society at which the Bill will be fully, but privately, considered, and the Council will then be prepared to explain the reasons which appeared good to them for seeking a comprehensive measure rather than a mere amending Act, and to give all such information and explanations as may be necessary for its full examination and discussion.

Meanwhile I suggest that every member of the Society who is interested in the matter, and that I hope means the majority of our members, should read the draft Bill and make up his mind as to the desirability or otherwise of the Bill as a whole in its wider bearings.

It is not the wish of the Council that criticism of the Bill should be discouraged or that free discussion should be curtailed, but it will save a great deal of time if members of the Society will consider the Bill in advance of the proposed meeting. I can assure you that an immense amount of care and labour has been expended on the draft Bill by the Committee which was responsible for its preparation in the first instance, and by the Council which considered it line by line.

The draft in its original, intermediate and final forms is the handiwork of Mr. Wakely and of both junior and senior Counsel of great experience, and I think that you may feel satisfied that the actual wording of the draft is not likely to be improved by amendment. I therefore suggest that in examining the Bill you might well confine yourselves for the present, at all events, to a consideration of its broad principles.

Before passing from the Bill I must refer to the immense amount of work which fell upon Mr. Wakely in its preparation. It is a remarkable and very happy result of Mr. Wakely's long tenure of the office of Secretary of the Society that he should have had the responsibility of the Bill which became the Act of 1898 and, after more than forty years interval, should again be engaged on a similar task. I can only say that Mr. Wakely has given of his best in the very heavy labour of preparing the present draft Bill. Much of it is his own original work and the rest is compiled from precedents which, thanks to his vast experience, ripe judgment and almost uncanny memory, he knew how

to use and where to find. I should also like to thank Mr. Phelps, K.C. and Mr. Davy, Barrister-at-law, formerly a member of our own profession, for their skill, care and patience in settling the original draft of the Bill, and advising the Committee and the Council on the many points which required elucidation and discussion and in the drafting and re-drafting of fresh clauses and amendments as from time to time became necessary.

In conclusion I would remind you that during the coming year the Society will celebrate the one hundredth anniversary of its foundation. I expect the occasion will be marked in some suitable manner, but this will be a matter for the consideration of my successor in the chair and the new Council just elected. I hope that the Society at large will assist in making whatever form of recognition of the centenary may be decided on the success which such an auspicious occasion demands.

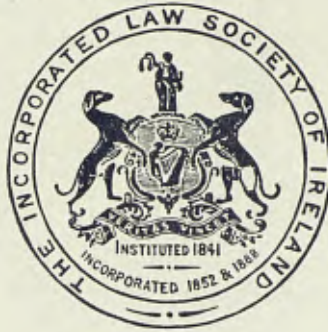
I beg to move the adoption of the Report.

Mr. Cecil G. Stapleton (Vice-President) seconded the resolution adopting the Report, and Messrs. O'Reilly, O hUadhaigh and Roger Greene having spoken, the President replied and put the motion that the Report be adopted, which was passed unanimously.

Mr. Stapleton (Vice-President), having taken the chair, on the motion of Mr. T. G. Quirke, seconded by Mr. W. S. Hayes, a hearty vote of thanks was passed to the President, and Mr. Stapleton having warmly commended this resolution to the meeting it was passed with acclamation.

The President having returned thanks the meeting terminated.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 7]

JANUARY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE.
Solicitors' Annual Certificates	32
Meetings of the Council	32
The Southern Law Association	32
The Incorporated Law Society of Northern Ireland	32
Solicitors' Bill, 1940	32
Obituary	32-33
Statutes of the Oireachtas passed during the year 1940	33
Admissions as Solicitors of Eire	33-34

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 7]

JANUARY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

SOLICITORS' ANNUAL CERTIFICATES.

Members are reminded that Annual Certificates for the year ending the 5th day of January, 1942, should be taken out and the duties paid thereon before the 6th day of February, 1941.

MEETINGS OF THE COUNCIL.

5th December.

Thirty-two members present.

Election of President and Vice-Presidents.

The Council elected Mr. J. Travers Wolfe to be President of the Society, and Mr. William J. Norman and Mr. Daniel O'Connell to be Vice-Presidents, for the ensuing twelve months.

Extra-Ordinary Members of the Council.

The following names were submitted by the Southern Law Association to be extra-Ordinary members of the Council:— W. W. Thornhill, E. Emerson, F. H. Hall, J. J. Horgan and B. M. O'Meara, and the following names were submitted by the Council of the Incorporated Law Society of Northern Ireland to be extra-Ordinary members of the Council:—Harold Jefferson, George Murnaghan, James C. Taylor, Charles Thom and Robert Watts.

12th December.

Nineteen members present.

Statutory Committee.

A letter was read from the Hon. the Chief Justice appointing the following members

of the Council to be the Statutory Committee for the year ending 26th November, 1941. Mr. Michael E. Knight, Mr. James J. Lynch, Mr. Henry P. Mayne, Mr. Peter O'Connor, Mr. George A. Overend, Mr. Daniel J. Reilly and Mr. J. Travers Wolfe.

Committees of the Council.

Committees of the Council for the year were appointed.

THE SOUTHERN LAW ASSOCIATION.

Mr. W. W. Thornhill of 46 South Mall, Cork, has been elected President of the Association for the year 1940-41.

THE INCORPORATED LAW SOCIETY OF NORTHERN IRELAND.

Mr. Harold Jefferson of 11 Wellington Place, Belfast, has been elected President of the Society for the year 1940-41.

SOLICITORS' BILL, 1940.

Copies of the draft Solicitors' Bill, 1940, are now in the Library and can be had on loan by members under the same arrangement as that on which books may be loaned.

OBITUARY.

MR. JOHN P. COLLINS, Solicitor, died on the 6th December, 1940, at his residence, "St. Gabriels," 81 Leinster Road, Dublin. Mr Collins served his apprenticeship with

the late Mr. William J. Morris, Dublin, was admitted in Michaelmas Sittings, 1908, and practised at 25 Wicklow Street, Dublin.

MR. GEORGE ALLEN, Solicitor, died on the 11th December, 1940, at his residence, Tregenna, Whitehead, Co. Antrim.

Mr. Allen served his apprenticeship with the late Mr. J. R. Whyte, Belfast, was admitted in Trinity Sittings, 1901, and practised at 32 Chichester Street, Belfast.

STATUTES OF THE OIREACHTAS PASSED DURING THE YEAR 1940.

1. Emergency Powers (Amendment).
2. Offences Against the State (Amendment).
3. Defence Forces (Temporary Provisions).
4. Unemployment Assistance (Amendment).
5. Central Fund.
6. Seeds and Fertilisers Supply.
7. Fire Brigades.
8. Local Government (Remission of Rates).
9. Public Hospitals (Amendment).
10. Housing (Amendment).
11. Defence Forces (Temporary Provisions) (No. 2).
12. County Management.
13. Institute for Advanced Studies.
14. Finance.
15. Local Authorities (Officers and Employees) (Amendment).
16. Emergency Powers (Amendment) (No. 2).
17. Appropriation.
18. Emergency Powers (Continuance).
19. Local Elections (Amendment).
20. Seanad Electoral (Panel Members) (Bye-Elections).
21. Local Government (Dublin) (Amendment).
22. Local Authorities (Cost of Living).
23. Enforcement of Court Orders.
24. Pigs and Bacon.
25. Exported Live Stock (Insurance).
26. Imposition of Duties (Confirmation of Orders).
27. Offences Against the State (Forfeiture).
28. Local Loans Fund (Amendment).
29. Acquisition of Derelict Sites.
30. University Colleges.
31. Minerals Development.
32. Expiring Laws.
33. Widows' and Orphans' Pensions (Amendment).
34. Unemployment (Relief Works).
35. Imposition of Duties (Confirmation of Orders) (No. 2).

ADMISSIONS AS SOLICITORS OF EIRE.

July to December, 1940, inclusive.

NAME	SERVED APPRENTICESHIP TO
Cosgrave, Nicholas Joseph (junr.) 6 Sandford Avenue, Dublin.	Francis P. Long, Dublin.
Clarke, Philip Joseph, ... Ballybunion, Co. Kerry.	Thomas G. Clarke, Listowel.
Cuffe, Charles Richard, ... "Allerton," Monkstown, Co. Dublin.	Ivan Howe, Dublin
Crotty, Thomas Gerard, ... 6 Patrick Street, Kilkenny.	Martin J. Crotty, Kilkenny.
Creedon, Daniel A. ... Parkgariffe House, Monkstown, Co. Cork.	Jeremiah O'Leary, Dunmanway.
Dillon-Malone, Hugh, ... "Fuchsia," Greystones, Co. Wicklow.	Patrick J. Loftus, Ballina.
Erskine, Eric Cuthbert, ... Sandymount Road, Dublin.	Joseph C. Erskine, Dublin.
Egan, Michael Joseph, (junr.), ... Mountain View, Castlebar, Co. Mayo.	John P. J. Smyth, Dublin.
Linehan, Henry Bertram, ... 45 Frankfort Avenue, Rathgar, Dublin.	Alexander J. McDonald, Dublin.

ADMISSIONS AS SOLICITORS OF EIRE.

July to December, 1940, inclusive. (contd.)

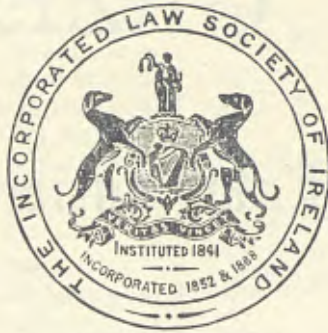
NAME.	SERVED APPRENTICESHIP TO
Lynch, John B. 5 Bindon Street, Ennis, Co. Clare.	Thomas A. Lynch, Ennis.
Lynch, Daniel, 2 Lansdowne Terrace, Ballsbridge, Dublin.	Timothy O'Hanrahan, Dublin.
Mason, Anderson Dermot, 39 Kenilworth Square, Rathgar, Dublin.	Harry R. Whelan, Dublin.
McCarthy, William, Darnstown, Kilmallock, Co. Limerick.	Roger Fox, Kilmallock.
O'Loughlin, John Augustine, 45 Aughrim Street, Dublin.	Noel M. Purcell, Dublin.
Quinlan, Denis J., 3 Bellevue Park, Cork.	Barry M. O'Meara, Cork.
Reilly, Francis J., Effernock, Trim, Co. Meath.	D. J. Reilly, Trim.
Taaffe, Peter Paul, Killeshandra, Co. Cavan.	Philip N. Smith, Cavan.
Tarrant, Cyril D., Kildonagh, Ballincar, Co. Sligo.	John Tarrant, Sligo.
Walker, Vernon Alfred, Otranto Place, Sandycove, Co. Dublin.	Alfred E. Walker, Dublin.
Ward, Hugh B., Turkey Road, Tramore, Co. Waterford.	Desmond R. Counahan, Waterford.

**New Telephone Numbers
of the Society as from
20th January, 1941
Incorporated Law Society of Ireland**

73093 & 73096

Incorporated Law Society of Ireland
(Secretary)

73092



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 8]

FEBRUARY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	36
Seanad Electoral (Panel Members) Act	36
Irish Land Commission	36
Obituary	36
Legal Appointment	37
Solicitors' Bill, 1940	37
The High Court of Justice Spring Circuits for 1941. Sittings for various Counties	37

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 8]

FEBRUARY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL.

16th January.

Thirteen members present.

Seanad Electoral (Panel Members) Act.

A letter was read from the Seanad Returning Officer giving notice of a revision of the register of nominating bodies, and directions were given as to replying thereto.

Irish Land Commission.

A letter was read from the Land Commission in reply to a letter from the Council, in which complaint had been made as to the delay in dealing with two applications made by a member of the Society for two Certificates of Redemption Value of Annuities. The letter intimated that the Certificates had now been issued to the Solicitor, and that the Land Commission regretted the delay and any inconvenience to which such delay had given rise.

OBITUARY.

MR. DANIEL J. REILLY.

The Council refers with sincere regret to the death of its colleague, Mr. Daniel J. Reilly, which took place in Dublin on the 29th January, 1941. At the Meeting of the Council held upon 6th February, the following resolution was passed:—

“The Council has learnt with feelings of very deep regret of the death of its very valued colleague, Mr. Daniel J. Reilly, and it tenders to Mrs. Reilly and to his family its sincere sympathy in her and their bereavement.”

Mr. Reilly served his apprenticeship with the late Mr. John Clark, Dublin, was admitted in Michaelmas Sittings, 1904, and practised at Trim, County Meath.

He was a member of the Council of the Society from 1925, and was President of the Society for the year 1938-39.

MR. CLAUDE J. RUTHERFOORD, Solicitor, died on the 16th January, 1941.

Mr. Rutherfordoord was admitted in Michaelmas Sittings, 1891, and practised as Law Agent to the Bank of Ireland, at College Green, Dublin, for many years past.

MR. JAMES W. HANRAHAN, Solicitor, died on the 19th January, 1941, at 2 Clifton Terrace, Monkstown, Co. Dublin.

Mr. Hanrahan was admitted in Hilary Sittings, 1873, and practised at Londonderry up to 1880, when he was appointed Clerk of the Crown and Peace for County Fermanagh, which office he held until 1937, when he retired.

MR. PATRICK O'LEARY, Solicitor, died on the 23rd January, 1941, at his residence, the Square, Bantry.

Mr. O'Leary served his apprenticeship with the late Mr. Jonas Wolfe, Solicitor, Bantry. He was admitted a solicitor in Hilary Sittings, 1895, and practised up to 1938, when he was succeeded by his son, Mr. Joseph S. O'Leary, who has since carried on the practice of the Firm under the title of P. O'Leary & Son.

LEGAL APPOINTMENT.

The Governor and Company of the Bank of Ireland have appointed Mr. Dinnen B. Gilmore, Solicitor, to succeed the late Mr. C. J. Rutherford as Law Agent to the Bank. Mr. Gilmore who served his apprenticeship to the late Mr. Bernard M. O'Grady of Dublin, was admitted a solicitor in the year 1914 and, prior to his appointment in 1930 as Assistant Law Agent to the Bank, was a partner in the firm of Messrs. Moore Keily & Lloyd of Dublin.

SOLICITORS' BILL, 1940.

The Bill will not be lent out on loan from the Library after 24th day of February, and all Bills out on loan should be returned before 1st day of March.

THE HIGH COURT OF JUSTICE**Spring Circuits for 1941.****Sittings which have been fixed for various Counties.**

The following arrangements have been made in respect of the Spring Circuits:—

EASTERN CIRCUIT.

Wicklow—At Wicklow, Saturday, March 8th, at 11.15 o'clock.

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

Waterford (City and County)—At Waterford, Friday, March 14th, at 11 o'clock.

Tipperary (South Riding)—At Clonmel, Tuesday, March 18th, at 11 o'clock.

Tipperary (North Riding)—At Nenagh, Friday, March 21st, at 11 o'clock.

Offaly—At Tullamore, Tuesday, March 25th, at 11 o'clock.

Leix—At Portlaoighise, Thursday, March 27th, at 11 o'clock.

Kilkenny—At Kilkenny, Friday, March 28th, at 11 o'clock.

Carlow—At Carlow, Saturday, March 29th, at 11 o'clock.

Kildare—At Naas, Tuesday, April 1st, at 11 o'clock.

JUDGE :

THE HON. MR. JUSTICE GEOGHEGAN.

WESTERN CIRCUIT :

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

Leitrim—At Carrick-on-Shannon, Wednesday, March 12th, at 11 o'clock.

Sligo—At Sligo, Friday, March 14th, at 11 o'clock.

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

Galway—At Galway, Saturday, March 22nd, at 11 o'clock.

Roscommon—At Roscommon, Wednesday, March 26th, at 11 o'clock.

JUDGES :

THE PRESIDENT OF THE HIGH COURT.

THE HON. MR. JUSTICE O'BYRNE.

SOUTHERN CIRCUIT.

Clare—At Ennis, Tuesday, March 11th, at 11 o'clock.

Limerick (City and County)—at Limerick, Thursday, March 13th, at 1.30 o'clock.

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

Cork (City and County)—At Cork, Thursday, March 20th, at 11 o'clock.

JUDGES :

THE HON. MR. JUSTICE MEREDITH, and

THE HON. MR. JUSTICE BLACK.

NORTHERN CIRCUIT.

Louth—At Dundalk, Monday, March 10th, at 10.30 o'clock.

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

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

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

Westmeath—At Mullingar, Friday, March 21st, at 11.30 o'clock.

Meath—At Trim, Monday, March 24th, at 11.30 o'clock.

JUDGE :

THE HON. MR. JUSTICE HANNA.

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

THE GAZETTE

Published for the Government of India by the Secretary to Government, India, at the Government Press, Calcutta.

Printed and Published by the Government of India, at the Government Press, Calcutta.

THE GAZETTE

OF THE GOVERNMENT OF INDIA

PART I

Section 3

Sub-section (1)

Section 4

Section 5

Section 6

Section 7

Section 8

Section 9

Section 10

Section 11

Section 12

Section 13

Section 14

Section 15

Section 16

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

Section 23

Section 24

Section 25

Section 26

Section 27

Section 28

Section 29

Section 30

Section 31

Section 32

Section 33

Section 34

Section 35

Section 36

Section 37

Section 38

Section 39

Section 40

Section 41

Section 42

Section 43

Section 44

Section 45

Section 46

Section 47

Section 48

Section 49

Section 50

Section 51

Section 52

Section 53

Section 54

Section 55

Section 56

Section 57

Section 58

Section 59

Section 60

Section 61

Section 62

Section 63

Section 64

Section 65

Section 66

Section 67

Section 68

Section 69

Section 70

Section 71

Section 72

Section 73

Section 74

Section 75

Section 76

Section 77

Section 78

Section 79

Section 80

Section 81

Section 82

Section 83

Section 84

Section 85

Section 86

Section 87

Section 88

Section 89

Section 90

Section 91

Section 92

Section 93

Section 94

Section 95

Section 96

Section 97

Section 98

Section 99

Section 100

THE GAZETTE

OF THE GOVERNMENT OF INDIA

PART II

Section 1

Section 2

Section 3

Section 4

Section 5

Section 6

Section 7

Section 8

Section 9

Section 10

Section 11

Section 12

Section 13

Section 14

Section 15

Section 16

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

Section 23

Section 24

Section 25

Section 26

Section 27

Section 28

Section 29

Section 30

Section 31

Section 32

Section 33

Section 34

Section 35

Section 36

Section 37

Section 38

Section 39

Section 40

Section 41

Section 42

Section 43

Section 44

Section 45

Section 46

Section 47

Section 48

Section 49

Section 50

Section 51

Section 52

Section 53

Section 54

Section 55

Section 56

Section 57

Section 58

Section 59

Section 60

Section 61

Section 62

Section 63

Section 64

Section 65

Section 66

Section 67

Section 68

Section 69

Section 70

Section 71

Section 72

Section 73

Section 74

Section 75

Section 76

Section 77

Section 78

Section 79

Section 80

Section 81

Section 82

Section 83

Section 84

Section 85

Section 86

Section 87

Section 88

Section 89

Section 90

Section 91

Section 92

Section 93

Section 94

Section 95

Section 96

Section 97

Section 98

Section 99

Section 100



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 9]

MARCH, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	40
Court of Examiners	40
Section 47	40
The Statutory Committee	40
Obituary.	40—41
Results of Examinations	41
Easter Sittings, 1941	41
Easter Sittings Lectures, 1941	41
Calendar, 1941	41

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 9]

MARCH, 1941

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL

27th February.

Twenty members present.

Court of Examiners.

The report of the Court of Examiners on the results of First and Second Irish Examinations was submitted and adopted.

Section 47.

An application by a solicitor under Section 47 for renewal of his certificate was granted.

THE STATUTORY COMMITTEE

The Chief Justice has appointed Mr. Eugene F. Collins to be a member of the Statutory Committee in room of the late Mr. Daniel J. Reilly.

OBITUARY

MR. SAMUEL A. MACKEY, Solicitor, died on the 2nd February, 1941, at his residence, Glenvar, Sallymount Gardens, Dublin.

Mr. Mackey was admitted in Hilary Sittings, 1886, and practised at Lurgan up to 1890, after which he came to Dublin and was associated with the firm of Messrs. T. W. Hardman & Sons, 14 Molesworth Street.

MR. ROBERT H. CARSON, Solicitor, died on the 5th February, 1941, at Belfast.

Mr. Carson served his apprenticeship with the late Mr. Harbinson of Magherafelt, was admitted in Hilary Sittings, 1891, and prac-

tised as a member of the firm of Dickie and Carson at Omagh, County Tyrone, up to 1929, when he was appointed Chief Crown Solicitor for Northern Ireland.

He had been Sessional Crown Solicitor for Co. Tyrone from 1905 to 1922 and Crown Solicitor for Co. Tyrone from 1922 to 1929.

MR. LAURENCE CONROY, Solicitor, died on the 5th February, 1941, at his residence, 48 St. Helen's Road, Booterstown, Co. Dublin.

He served his apprenticeship with the late Mr. Patrick S. Golding, Ballinasloe, was admitted in Trinity Sittings, 1916, and practised at Ballinasloe up to 1930, when he was appointed an Assistant Justice to the Metropolitan Courts, Dublin.

MR. WILLIAM P. MOODY, Solicitor, died on the 7th February, 1941, at his residence, Railway Street, Strabane.

Mr. Moody served his apprenticeship with the late Mr. John Mackey, Ramelton, was admitted in Michaelmas Sittings, 1889, and practised at Strabane.

MR. SAMUEL H. CRAWFORD, Solicitor, died on the 8th February, 1941, at his residence, 2 Gracepark Gardens, Drumcondra, Dublin.

Mr. Crawford served his apprenticeship with Mr. Francis C. D. Joynt, Dublin, was admitted in Hilary Sittings, 1909, and practised as a member of the firm of Joynt and Crawford at 1 and 2 Foster Place, Dublin.

Mr. JOHN F. A. SIMMS, Solicitor, died on the 11th February, 1941, at his residence, Combermore, Co. Donegal.

Mr. Simms served his apprenticeship with the late Mr. William Wilson, Strabane, was admitted in Hilary Sittings, 1895, and practised as a member of the firm of Wilson and Simms at Strabane.

He was Crown Solicitor for Co. Tyrone from 1929 to 1936.

Mr. GEORGE CROZIER, Solicitor, died on the 18th February, 1941, at his residence, The Pavilion, Armagh.

Mr. Crozier served his apprenticeship with the late Mr. Henry J. Harris, Armagh, was admitted in Michaelmas Sittings, 1907, and practised at Armagh.

Mr. HUNT WALSH LEECH, Solicitor, died on the 27th February, 1941, at his residence, Castleroe, Coleraine.

Mr. Leech served his apprenticeship with the late Mr. Robert Crookshank, Coleraine, was admitted in Easter Term, 1869, and practised as a member of the firm of Crookshank, Leech & Co., at Coleraine.

RESULTS OF EXAMINATIONS

At Examinations held on 7th and 8th February under the Legal Practitioners (Qualification) Act, 1929, the following candidates passed the examinations :—

“ First ” Examination in Irish—

- Sean M. J. Betts.
- Thomas P. Byrne.
- James Dillon.
- Anna E. Egan.
- Vincent A. Fanning.
- John M. Gilvarry.
- Norman Gruson.
- Ignatius K. Lynch.
- John D. F. Lyons.
- William B. Malone.
- Patrick J. Murray.
- Donal T. Ryan.

Nineteen candidates attended; twelve passed; seven failed.

“Second” Examination in Irish :—

- Daniel J. Buckley.
- Dermott S. Dunleavy.
- Rory C. FitzGibbon.
- John C. Griffin.
- Edward W. Healy.
- Raymond G. Hickey.
- James F. Kearney.
- Kevin Nugent.
- Patrick P. O’Sullivan.
- Victor D. Wolfe.

Nineteen candidates attended; ten passed; nine failed.

EASTER SITTINGS, 1941.

High Court Easter Sittings begin on Monday, twenty-first day of April.

EASTER SITTINGS LECTURES, 1941.

The Junior Class Lectures begin on Monday, 21st day of April, 2.15 p.m. The Senior Class Lectures begin on Tuesday, 22nd April, 2.15 p.m.

CALENDAR, 1941

The Calendar of the Society for 1941 can be obtained in the Secretary’s office, price 5/-; by post 5/6.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors’ Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 10]

APRIL, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	44
Courts of Justice Act, 1936	44
Obituary	44—45
Legal Appointment	45
June Examinations, 1941	45
Calendar, 1941	45

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXIV, No. 10]

APRIL, 1941

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL.

20th March.

Twenty-three members present.

Courts of Justice Act, 1936.

A letter was read from the Department of Justice requesting the Council to nominate a practising solicitor to be a member of the District Court Rules Committee in room of the late Mr. Daniel J. Reilly. The Council nominated Mr. John P. Carrigan.

OBITUARY.

MR. HENRY H. HURLEY, Solicitor, died on the 8th March, 1941, in Dublin.

Mr. Hurley served his apprenticeship with the late Sir Charles H. Brett, Belfast, was admitted in Michaelmas Sittings, 1903, and practised at 41 Nassau Street, Dublin, as a member of the firm of Hayes and Sons.

MR. ALEXANDER PRINGLE, Solicitor, died on the 14th March, 1941, at his residence, Clonboy, Clones.

Mr. Pringle served his apprenticeship with the late Mr. William A. Parke, Clones, was admitted in Hilary Sittings, 1902, and practised at Clones up to 1938 when he retired.

MR. JOSEPH C. ERSKINE, Solicitor, died on the 16th March, 1941, at his residence, Corduke House, 47 Sandymount Road, Dublin.

Mr. Erskine served his apprenticeship with the late Mr. Francis L. Brownrigg, Dublin, was admitted in Trinity Sittings, 1922, and practised at 2 St. Stephen's Green, Dublin.

MR. JAMES M. SEALES, Solicitor, died on 17th March, 1941, at his residence, Pralou, Mount Merrion Avenue, Blackrock.

Mr. Seales served his apprenticeship with the late Mr. Peter M. Seales, was admitted in Trinity Sittings, 1919, and practised at 11 College Green, Dublin, up to 1928. He was Solicitor to the Agricultural Credits Corporation Ltd., 2 Merrion Square, Dublin, from 1928 to 1936, and from that date he was appointed Law Agent to The Hibernian Bank Ltd., 27 College Green, Dublin, which office he continued to hold up to the date of his death.

LEGAL APPOINTMENT.

Mr. J. V. S. Mills, LL.D., has been appointed Chief Crown Solicitor for Northern Ireland in succession to the late Mr. R. Haldane Carson.

JUNE EXAMINATIONS, 1941.

An Intermediate Examination will be held on Tuesday, 3rd June. Notice of intention to attend to be lodged before 13th May.

First and Second Irish Examinations will be held on Friday and Saturday, 6th and 7th days of June. Notices of intention to attend to be lodged before 16th May.

CALENDAR, 1941.

The Calendar of the Society for 1941 can be obtained in the Secretary's Office, price five shillings; by post, five shillings and sixpence.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

THE GOVERNMENT OF INDIA

THE GAZETTE

NOTIFICATION

IN RESPECT OF THE

OFFICE OF THE

SECRETARY TO THE GOVERNMENT

OF INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE

SECRETARY TO THE GOVERNMENT OF

INDIA, AND THE OFFICE OF THE



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXV, No. 1]

MAY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	2
Obituary	2
Legal Appointment	2
Examinations Results	2-3
Professorship of Real Property, Equity and Conveyancing	3
Notice of Change of Address	3

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXV, No. 1]

MAY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

COUNCIL MEETING.

24th April, 1941.

Twenty-six members present.

Workmen's Compensation Act:

A letter was submitted from the County Registrar for the County and City of Dublin, Secretary of the Circuit Court Rules Committee, enclosing proof copy of Workmen's Compensation Act Rules and requesting consideration of same. These were referred to a Committee of the Council.

OBITUARY.

MR. JAMES L. RUSSELL, Solicitor, died on 1st April, 1941, near Ballymena, the result of a motor accident.

Mr. Russell was apprenticed to the late Mr. James C. Barr, Belfast, was admitted in Trinity Sittings, 1923, and practised at 110 Royal Avenue, Belfast and at Ballymena.

MR. JOSEPH H. MONTGOMERY, Solicitor, died on 9th April, 1941, in Dublin.

Mr. Montgomery was apprenticed to the late Mr. William Deverell, Dublin, was admitted in Hilary Sittings, 1893, and was Principal of the firm of J. H. Montgomery & Son up to the year 1936, when he retired.

MR. JOHN WHITE, Solicitor, died on 16th April, 1941, at his residence, Laeken, Churchtown, Co. Dublin.

Mr. White was apprenticed to the late Mr. Thomas J. White, Dublin, was admitted in Hilary Sittings, 1889, and practised at 15 College Green, Dublin.

MR. CHARLES E. MURPHY, Solicitor, died on 24th April, 1941, at his residence, Ivydene, Cootehill, Co. Cavan.

Mr. Murphy was apprenticed to the late Mr. Robert E. Bailie, Castleblayney, was admitted in Michaelmas Sittings, 1898, and practised at Cootehill.

MR. MICHAEL HOWLEY, Solicitor, died on 30th April, 1941, at his residence, Tubbercurry, Co. Sligo.

Mr. Howley was admitted in Trinity Sittings, 1891, and practised at Sligo and Tubbercurry.

LEGAL APPOINTMENT.

Mr. Michael J. C. Keane, Solicitor, Castlerea, has been appointed a District Justice at Carrick-on-Shannon, in room of Mr. J. H. Rice, who has retired on reaching the age limit.

EXAMINATIONS RESULTS.

At the Preliminary Examination for intending apprentices to Solicitors, held on 9th and 10th April, the following passed the examination and their names are arranged in order of merit:—

1. John P. M. McNally.
2. Arthur R. J. McDonald.
3. Samuel J. Shaw.
4. Cornelius Sheehan.
5. Robert S. Kieran.

Thirteen candidates attended; five passed; eight failed.

At the Final Examination for apprentices to Solicitors held on the 7th and 8th April, the following passed the examination and their names are arranged in order of merit :—

1. Bryan J. Murphy, B.A.N.U.I.
2. Margaret Morris, B.A.N.U.I.
3. Anthony J. Dudley.
4. Alexis J. FitzGerald.
5. Michael P. O'Neill, B.A.N.U.I.
6. Dominick M. Dowling.
7. Mary B. Cahalan, B.A.N.U.I.
8. John T. Louth.
9. Jeremiah B. Hickey.
10. Edward M. Kirk.
11. John F. Scott.
12. Joanna M. Kelly, B.A.N.U.I.
13. Patrick B. Devins.
14. William J. Walsh.
15. Brendan J. Lynch.
16. Denis W. Twomey.
17. John Casey
Victor, D. Wolfe, B.A.T.C.D. } Equal.
19. Constance M. Ni Cathmaoil.
20. Maurice P. Ronayne.
21. Maurice O'Sullivan.
22. Adeline G. J. Hyland, B.A.N.U.I.
23. Daniel A. Coghlan:
George A. Williams. } Equal.
25. Peter L. Gibson, B.A.N.U.I.
John A. C. Kieran. } Equal
27. James B. MacClancy, B.A.N.U.I.
28. Eunan E. H. McCarron.
29. Michael J. F. Power.
30. Thomas M. Costelloe.
31. Edward H. Byrne.
32. John R. P. Colfer:
Donald J. Hughes, B.A.N.U.I. } Equal.
34. Thomas V. Daly.
35. Patrick J. Nutley.
36. George M. Hegarty:
Edward Thornton. } Equal.
38. Thomas D. Healy.
39. John F. V. Arnold.

Fifty-six candidates attended; thirty-nine passed; seventeen failed.

The Council awarded special Certificates to Bryan J. Murphy, B.A.N.U.I. and Margaret Morris, B.A.N.U.I.

PROFESSORSHIP OF REAL PROPERTY, EQUITY AND CONVEYANCING.

The Council will, on Thursday, 3rd July, 1941, elect a Professor of Real Property Equity and Conveyancing to the Society, in room of Mr. Arthur J. G. Quirke, Solicitor, whose term of office will expire at the end of Trinity Sittings. The newly-elected Professor will enter upon his duties next October. The appointment will be made for one year, and the person appointed will be eligible for re-appointment for each of the four succeeding years. A candidate for the Professorship must be either a Barrister or a Solicitor, and intending applicants are requested to send their applications before the 10th June to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

The Professor will be required to deliver forty-two lectures in the year between the months of September and July, and to conduct *viva voce* examinations on the subjects of the lectures. The lectures are delivered on Tuesdays and Fridays from 2.15 p.m. to 3.15 p.m.

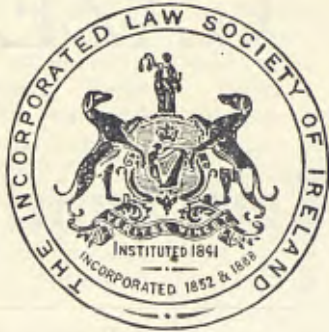
Enquiry for further particulars should be addressed to the Secretary.

NOTICE OF CHANGE OF ADDRESS

Michael Ward, Croboy, Hill-of-Down, Co. Meath, Solicitor, lately practising at Mullingar, Co. Westmeath, has changed his offices to Edenderry, Co. Offaly.

Registered Office: 66 Dame Street, Dublin.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin. N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXV, No. 2]

JUNE, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Half-Yearly General Meeting	6-7
Obituary	7
Legal Appointment	7

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXV, No. 2]

JUNE, 1941.

[FOR CIRCULATION
AMONGST MEMBERS

HALF-YEARLY GENERAL MEETING.

A Half-Yearly General Meeting of the Society was held on Friday, the 16th May, 1941, in the Solicitors' Buildings, Four Courts, Dublin, the President, Mr. Jasper Travers Wolfe, in the chair. The following members were also present:—Messrs. Wm. J. Norman, (Vice-President), Daniel O'Connell (Vice-President), H. St. J. Blake, W. G. Bradley, J. R. Brennan, E. H. Burne, E. F. Collins, J. J. Dundon, J. J. Dunne, Roger Greene, W. S. Hayes, W. S. Huggard, M. G. R. Lardner, H. P. Mayne, T. D. McLoughlin, Peter O'Connor, L. E. O'Dea, H. O'Donnell, S. O'Huadhaigh, P. F. O'Reilly, T. G. Quirke, G. A. Overend, C. G. Stapleton, A. G. Joyce, A. G. Quirke, J. T. Hamerton, J. E. Hamerton, S. Hayes, H. MacNeice, E. Emerson, E. H. Byrne, I. Howe, F. Burke, D. Greene, T. J. Greene, A. H. S. Orpen, R. G. Kenny, G. Grove-White, C. T. Blair-White, V. A. Walker, A. E. Walker, F. J. Lanigan, A. E. Ashton, H. E. Woulfe-Flanagan, D. B. Gilmore, D. Moran, R. J. Dodd, D. D. MacDonald, W. H. Phayre, J. D. Guinan, F. Reilly, G. A. G. Byrne, G. Crowley, L. Jameson.

The Secretary read the notice convening the meeting and the minutes of the Half-yearly General Meeting held on the 26th November, 1940, the latter of which were signed by the President.

On the motion of Mr. Norman, Vice-President, seconded by Mr. D. O'Connell, Vice-President, the following resolution was unanimously adopted—"that Mr. A. E. Prentice, Mr. P. Glynn and Mr. E. J. O'Brien

be appointed auditors of the Society's Accounts for year ending 30th April, 1941.

The President nominated the following members to be scrutineers of Ballot for election of Council to be held on Friday, 21st November, next: Mr. H. G. Sweetman, Mr. Desmond J. Collins, Mr. Thomas Jackson, Mr. R. McC. Blakeney, and Mr. C. W. Grove-White.

The President, addressing the Meeting, said:—

Gentlemen, the first thing I wish to refer to is to members of our profession who have passed away since the last General Meeting. First of all every member of the Council feels with sincere and deep regret the loss occasioned by the death of their colleague, the late Mr. Daniel J. Reilly, who died on the 29th January, 1941. Mr. Reilly was a member of the Council from the year 1925 and was President of the Society for the year 1938-39. Only those intimately associated with him can fully realise what he did for the profession, of which he was an honoured and respected member. I think I have somewhere referred to the strained relationship which existed between country solicitors and the Incorporated Law Society of Ireland when I was a youthful apprentice; happily that relationship no longer exists—we are now a happy family; no one has done more to bring that position about than our deceased brother, Dan Reilly.

In January we also lost an esteemed member of our profession, Mr. Claude J. Rutherford, who was for many years Law Agent to the Bank of Ireland, and in the

same month we lost Mr. James W. Hamrahan, who had been for fifty-seven years Clerk of the Crown and Peace for County Fermanagh and was admitted a Solicitor so far back as 1873. In February we lost Mr. Robert H. Carson, Chief Crown Solicitor for Northern Ireland; he had been Sessional Crown Solicitor for Co. Tyrone from the year 1905 to 1922 and Crown and Sessional Solicitor from 1922 to 1929, and from 1929 he was Chief Crown Solicitor for Northern Ireland. In the same month we lost Mr. Hunt Walsh Leech, who was admitted so far back as 1869. Other respected members of our profession have also passed away.

The number of members of the Society at present is 842, an increase, I am glad to say, as against the number of members last November, when an increase on the previous year from 794 to 835 was reported. We are glad to note that the Society is holding its own particularly so in this centenary year of the Society. The Society, I need hardly point out to you, knows no boundary save Fair Head in Antrim and Mizen Head in Cork, and has no politics.

As you are all aware, on the 17th June next, the Society will have attained the one hundredth anniversary of its existence. It has been referred to a Committee to report as to how most suitably the event can be celebrated by the Council. I am free to tell you that the Committee has met and gone into this question most carefully; their report will in due course come before the Council, and, if confirmed, the purport of it will be circulated.

As regards the present position and prospects of our profession, I wish I could speak more hopefully. With a serious curtailment of litigation due to the petrol shortage, the curtailment of Land Purchase and the war conditions now prevailing, I am afraid that the position is not a hopeful one, and parents and guardians of intending apprentices have to face the fact that the apprentices are heading for an overcrowded profession. It has been stated that the examinations for the Final have been made more stringent than formerly, and criticism of the Examiners' methods have been made. These criticisms are best answered by the fact that at the Final Examination held since our last Half-yearly General Meeting thirty-nine new Solicitors have been let loose. This number constituted 70 per cent. of those who sat for the examination. It is to

be regretted that for three years in succession ending in 1940, the Findlater Scholarship could not be awarded, the required standard not having been reached, and I am sorry to say that the position of 1941 will not be any better.

There is one other matter I would wish to refer to. When the Courts of Justice Act was passed it was understood that the appointment of District Justices would be divided fifty-fifty between Counsel and Solicitors. For some years past that has not been followed, but I am glad to say that the last appointment was that of a Solicitor. We can only hope that a gentleman's agreement of 1924 will be observed for the future.

The Solicitors' Bill, 1940, has been before the Council on several occasions. The draft of the Bill has been circulated to the different Sessional Bar Associations throughout Eire, and the views of their members have been obtained and received careful consideration, and we hope in the near future to be in a position to hold a General Meeting of the Society to consider the Bill.

OBITUARY.

MR. WILLIAM J. BRADLEY, Solicitor, Bangor, died on 9th May, 1941, at Ards District Hospital.

Mr. Bradley served his apprenticeship with the late Mr. George Allen, Belfast, was admitted in Trinity Sittings, 1909, and practised in Bangor.

MR. WILLIAM J. M. COULTER, Solicitor, died at his residence, 22 Highfield Road, Rathgar, Dublin, on 31st May, 1941.

Mr. Coulter served his apprenticeship to the late Mr. Henry J. McCormick, Dublin, was admitted in Michaelmas Sittings, 1911, and practised at 30 Upper Merrion Street, under the style of Norris, Goddard and Davidson.

LEGAL APPOINTMENT.

Mr. Frederick J. Mangan has been appointed an Assistant Justice of the District Court.

Mr. Mangan was admitted a solicitor in 1933, engaged in private practice in Dublin, and was later appointed an Examiner of Title in the Land Commission.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

1854

1855

1856

1857

1858

1859

1860

1861

1862

1863

1864

1865

1866

1867

1868

1869

1870

1871

1872

1873

1874

1875

1876

1877

1878

1879

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1891

1892

1893

1894

1895

1896

1897

1898

1899

1900

1901

1902

1903

1904

1905

1906

1907

1908

1909

1910

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

1924

1925

1926

1927

1928

1929

1930

1931

1932

1933

1934

1935

1936

1937

1938

1939

1940

1941

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

1969

1970

1971

1972

1973

1974

1975

1976

1977

1978

1979

1980

1981

1982

1983

1984

1985

1986

1987

1988

1989

1990

1991

1992

1993

1994

1995

1996

1997

1998

1999

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

2010

2011

2012

2013

2014

2015

2016

2017

2018

2019

2020

2021

2022

2023

2024

2025



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXV, No. 3]

JULY, 1941

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

~~~~~

|                                                           | PAGE |
|-----------------------------------------------------------|------|
| Centenary .....                                           | 10   |
| Obituary .....                                            | 10   |
| New Members .....                                         | 11   |
| Examinations Results .....                                | 11   |
| Legal Practitioners (Qualification) Act, 1929 .....       | 11   |
| Solicitors' Golfing Society .....                         | 12   |
| The High Court of Justice, Summer Circuits for 1941 ..... | 12   |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 3]

JULY, 1941

[ FOR CIRCULATION  
AMONGST MEMBERS

### CENTENARY.

On the 17th day of June, 1841, The Society of the Attorneys and Solicitors of Ireland was instituted. The Society obtained a Charter on the 5th April, 1852, and a supplemental Charter on the 14th December, 1888, and under the latter its title was altered to that of "The Incorporated Law Society of Ireland." On the seventeenth day of June, 1941, the Society attained its centenary. The Council had hoped to celebrate the event in a manner fully appropriate to the occasion but felt that owing to the present national emergency the time was inopportune for the holding of any public social function. The Council has decided in order to mark the event, to found a Centenary Incorporated Law Society of Ireland annuity, to be administered by the Solicitors' Benevolent Association, and to invite subscriptions with this object in view from the members of the Society, and it is intended to issue this appeal at an early date.

### OBITUARY.

MR. HENRY H. BONASS, Solicitor, died at his residence, 22 Wellington Road, Dublin, on 3rd June, 1941.

Mr. Bonass served his apprenticeship to Mr. Ignatius J. Rice, Law Agent to Dublin Corporation, was admitted in Trinity Sittings 1910, and was assistant Law Agent to Dublin Corporation up to the time of his death.

MR. MICHAEL J. O'NEILL, Solicitor, died at his residence, Iona Road, Glasnevin, Dublin, on 3rd June, 1941.

Mr. O'Neill served his apprenticeship to the late Mr. William J. Morris, Dublin, was admitted in Hillary Sittings 1902, and practised at 71 Middle Abbey Street, Dublin.

MR. THOMAS J. ELLIOT, Solicitor, died at Musgrave Clinic, Belfast, on 14th June, 1941.

Mr. Elliot served his apprenticeship to the late Mr. William Johns, Belfast, was admitted in Trinity Sittings 1897, and practised as a member of the firm of Messrs, Johns, Elliot & Johns, Belfast. Mr. Elliot was President of The Incorporated Law Society of Northern Ireland for the year 1927.



**NEW MEMBERS.**

The following have joined the Society.

|                        |                                      |
|------------------------|--------------------------------------|
| James V. Aitken,       | 24 Upper Ormond<br>Quay, Dublin.     |
| Edward H. Byrne,       | 7 Lower Ormond<br>Quay, Dublin.      |
| Geoffrey L. Collins,   | 62 Dame Street,<br>Dublin.           |
| Joseph M. Collins,     | 26 Glentworth Street,<br>Limerick.   |
| Bernard J. Connolly,   | Longford.                            |
| William A. Crowley,    | Killorglin.                          |
| Edward G. Gleeson,     | 9 Harcourt Street,<br>Dublin.        |
| Frederick Kelly,       | 27 College Green,<br>Dublin.         |
| Kevin G. Keohane,      | Castleconer,<br>Co. Kilkenny.        |
| Elizabeth Kettle,      | 51 St. Stephen's<br>Green, Dublin.   |
| Percy J. MacGrath,     | 15 Kildare Street,<br>Dublin.        |
| James D. Mitchell, Jr. | 30 Sth. Frederick<br>Street, Dublin. |
| Joseph O'Malley,       | 23 Sth. Frederick<br>Street, Dublin. |
| John J. O'Dwyer,       | 15 D'Olier Street,<br>Dublin.        |
| Francis J. Reilly,     | Trim.                                |
| Richard H. P. Ryan,    | 9 Harcourt Street,<br>Dublin.        |
| Denis W. Toomey,       | Skibbereen.                          |

**EXAMINATIONS RESULTS.**

At the Intermediate Examination for apprentices to Solicitors held on the 3rd June, the following passed the examination:

**Passed with Merit.**

1. Michael T. Neary.
2. John M. O'Shea.
3. Joan M. Macaulay.
4. Patrick M. K. Johnson.
5. Arthur J. T. O'Connor.
6. Louis V. Nolan  
George A. Russell, Jr. } Equal.
8. Liam M. Collins.
9. Thomas C. O'Mahony.

**Passed.**

Peter W. Dickson.  
Thomas B. Dwane.  
Philip A. E. Gallagher.

Maurice J. Kenny.  
Marguerite S. Meagher.  
Philip O. O'Loughlin.  
Joseph G. O'Shea.  
Robert J. Porter.  
Diarmuid Rosney.  
Henry M. Sheehy.  
George C. Stapleton.

Twenty-six candidates attended; twenty passed; six failed.

**Legal Practitioners (Qualification) Act, 1929.**

The following passed a "First Examination" in Irish under the above Act, held on the 6th June:—

Michael D. Carlos.  
James J. Casey.  
John Cowan.  
Benedict J. Daly.  
Eoin C. J. Daly.  
Gordon S. Drought.  
Myles J. MacCabe.  
Hubert C. Melvin.  
Sean F. O'Shea.  
Mary T. J. Sweeney.

Seventeen candidates attended; ten passed; seven failed.

The following passed a "Second Examination" in Irish under the above Act, held on the 6th and 7th June:—

James L. Byrne.  
Mary B. Cahalan.  
Daniel A. Coghlan.  
Mary T. Corboy.  
Donald R. Cullen.  
Edward J. Durnin.  
Thomas D. Healy.  
Jeremiah B. Hickey.  
Patrick J. Kelly.  
James Kennedy.  
Alice M. Lanigan.  
Peter K. I. McCourt.  
Patrick McEntee (Junnr.)  
Seamus N. Mahon.  
Synge Millington.  
John F. O'Mahony.  
Michael P. O'Neill.  
Gerard Quinn.  
Patrick A. Roche.  
Gabriel Warde.

Twenty-nine candidates attended; twenty passed; nine failed.

**SOLICITORS' GOLFING SOCIETY.**

The Summer Meeting of the Society was held at Royal Dublin, on the 5th June. Notwithstanding the inclemency of the weather there was a good turn out of members to compete for the Society's Challenge Cup and the Veterans Challenge Cup.

The Society's Challenge Cup and the prize presented by the Captain Mr. P. R. Boyd to the Winner was won by Mr. Frank McKeever with the excellent score of 69 off a handicap of 8. The prize for the runner up was won by Mr. Frank Farrell of Ballymahon with the score of 75 (14). The Veterans Challenge Cup was won by Mr. W. J. O'Reilly of the Land Commission with the score of 81 (12). The Prize for the best gross was won by Mr. Sam Roche of Carlow with the score of 85 and the Prize for the best second nine by Mr. Maurice Horan, Dublin with the score of 34 (12).

The Competition was followed by a Dinner in the Club House at which the Captain presided.

Any Solicitor who wishes to compete at the autumn meeting and did not receive a notice of this meeting is requested to communicate with the Hon. Sec., J. D. Rooney, Bank of Ireland, College Green, Dublin.

**THE HIGH COURT OF JUSTICE.****Summer Circuits for 1941.****Sittings Fixed for Various Counties.****EASTERN CIRCUIT.**

- Wicklow*—at Wicklow, Saturday, July 5th, at 11.15 o'clock.  
*Wexford*—at Wexford, Monday, July 7th, at 2.30 o'clock.  
*Waterford (City and County)*—at Waterford, Tuesday, July 8th, at 11.30 o'clock.  
*Tipperary (South Riding)*—at Clonmel, Wednesday, July 9th, at 11.45 o'clock.  
*Tipperary (North Riding)*—at Nenagh, Thursday, July 10th, at 2 o'clock.  
*Offaly*—at Tullamore, Saturday, July 12th, at 11 o'clock.  
*Leix*—at Portlaoighise, Monday, July 14th, at 11 o'clock.  
*Kilkenny*—at Kilkenny, Tuesday, July 15th, at 12.30 o'clock.

*Carlow*—at Carlow, Thursday, July 17th, at 11 o'clock.

*Kildare*—at Naas, Friday, July 18th, at 2 o'clock.

JUDGE—The Hon. Mr. Justice Hanna.

**SOUTHERN CIRCUIT.**

*Clare*—at Ennis, Tuesday, July 8th, at 11 o'clock.

*Limerick (County and City)*—at Limerick, Wednesday, July 9th, at 11 o'clock.

*Kerry*—at Tralee, Friday, July 11th, at 2.30 o'clock.

*Cork (County and City)*—at Cork, Monday, July 14th, at 11 o'clock.

JUDGES—The Hon. The President of the High Court; The Hon. Mr. Justice Meredith.

**WESTERN CIRCUIT.**

*Longford*—at Longford, Tuesday, July 8th, at 11 o'clock.

*Leitrim*—at Carrick-on-Shannon, Wednesday, July 9th, at 11.30 o'clock.

*Sligo*—at Sligo, Friday, July 11th, at 11 o'clock.

*Mayo*—at Castlebar, Tuesday, July 15th, at 11 o'clock.

*Galway*—at Galway, Friday, July 18th, at 11 o'clock.

*Roscommon*—at Roscommon, Tuesday, July 22nd, at 11 o'clock.

JUDGES—The Hon. Mr. Justice Geoghegan; The Hon. Mr. Justice Maguire.

**NORTHERN CIRCUIT.**

*Meath*—at Trim, Tuesday, July 8th, at 11.30 o'clock.

*Westmeath*—at Mullingar, Wednesday, July 9th, at 11.30 o'clock.

*Cavan*—at Cavan, Thursday, July 10th, at 11 o'clock.

*Monaghan*—at Monaghan, Saturday, July 12th, at 11 o'clock.

*Donegal*—at Letterkenny, Tuesday, July 15th, at 11 o'clock.

*Louth*—at Dundalk, Thursday, July 17th, at 11 o'clock.

JUDGE—The Hon. Mr. Justice O'Byrne.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin. N.W.8.



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

---

Vol. XXXV, No. 4]

AUGUST, 1941

[ FOR CIRCULATION  
AMONGST MEMBERS

---

## CONTENTS.

---

|                                    | PAGE    |
|------------------------------------|---------|
| Meetings of the Council            | 14      |
| Solicitors' Bill, 1940             | 14 & 15 |
| Examinations                       | 15      |
| Michaelmas Sittings Lectures, 1941 | 15      |
| Obituary                           | 15      |
| Law Society Centenary Annuity Fund | 16 & 17 |
| Admissions as Solicitors of Eire   | 17 & 18 |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 4] AUGUST, 1941

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETINGS OF THE COUNCIL.

3rd July.

Twenty members present.

#### Professorship.

The Council appointed Mr. Frederick W. Gilligan, Solicitor, to be Professor to the Society of Real Property, Equity and Conveyancing, in room of Mr. Arthur G. Quirke, Solicitor, whose term of service has expired.

#### Centenary.

The following telegram, received on the 17th June, 1941, being Centenary Day of the Society, from the Incorporated Law Society of Northern Ireland, was read. "The Law Society, Four Courts, Dublin. "The President and Council of the Incorporated Law Society of Northern Ireland "send to the President, Council and "Members of the Incorporated Law Society "of Ireland Greetings on the occasion of "their centenary and best wishes for their "prosperity in years to come." It was resolved that the telegram be gratefully acknowledged, and the good wishes which it contains be cordially reciprocated.

24th July.

Nineteen members present.

#### Newspapers.

A letter from the Dublin Newspaper Managers' Committee was considered and directions given for reply thereto.

#### Centenary Annuity Fund.

A report of the progress of the fund was made.

#### Premises.

Estimates for repairs were accepted.

#### Adjourned.

The Council adjourned until Monday, 29th September, 2.30 p.m.

### SOLICITORS' BILL, 1940.

A special meeting of the Council was held on the 26th June, to consider finally the Solicitors' Bill before submitting it to a private special meeting of the members of the Society.

An amendment dividing Part V, as drafted, into two parts, so as to confine Part V to Banking, and Part VI to Professional Conduct, and re-numbering the remaining

Parts, was adopted by the Council—other minor amendments were also adopted and the Council adopted the Bill in all other respects as submitted by the Committee of the Council.

It was resolved to call a special private meeting of the members of the Society to consider and approve of the Bill, and such a meeting will be summoned to meet in the Hall of the Society at the Four Courts on Tuesday, the 30th day of September, 1941, at half-past twelve o'clock, p.m.

A re-print of the Bill as adopted by the Council has been sent in advance to the Secretary of each of the Sessional Bar Associations—and copies of such re-print are in the Library, and can be obtained on loan, but not by post, in the month of September—returnable before the day of the meeting.

### EXAMINATIONS.

October, 1941.

A Final Examination will be held upon Monday and Tuesday, the 6th and 7th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 15th September.

A "First Examination" in Irish will be held upon Friday the 3rd day of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 12th September.

A "Second Examination" in Irish will be held upon Friday and Saturday, the 3rd and 4th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 12th September.

An Intermediate Examination will be held upon Wednesday, the 1st day of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 10th September.

A Preliminary Examination will be held upon Wednesday and Thursday, the 8th and 9th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 17th September.

### MICHAELMAS SITTINGS LECTURES, 1941.

Junior Lectures (which will be held upon Mondays and Thursdays and will be twelve in number) will begin upon Monday, the 13th October, 1941, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 27th September.

Senior Lectures (which will be held upon Tuesdays and Fridays and will be twelve in number) will begin upon Tuesday the 14th October, 1941, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 27th September.

### OBITUARY.

MR. JAMES ROBINSON, Solicitor, died on the 2nd July, 1941, in Dublin.

Mr. Robinson served his apprenticeship with his father, the late Mr. Archibald Robinson, Dublin, and subsequently with his brother, the late Mr. Archibald Robinson, Junr., Dublin, was admitted in Michaelmas Sittings, 1890, and practised under the style of A. & J. Robinson, at 119 St. Stephen's Green, Dublin. He was appointed General Solicitor for Lunatics in 1918.

MR. JOHN CHARLES O'CONNOR, Solicitor, died on 17th July, 1941, at his residence, St. John's, Dalkey.

Mr. O'Connor served his apprenticeship with his father, the late John T. O'Connor, Dublin, was admitted in Hilary Sittings, 1901, and practised at 21 Anglesea Street, Dublin, up to the year 1911, when he went to the Solicitors' Department, Congested Districts Board, where he was up to the year 1929, when he retired.

MR. PATRICK J. CALLERY, Solicitor, died on 31st July, 1941, at his residence, St. Anne's, Clonakee, Elphin.

Mr. Callery served his apprenticeship with Mr. Bartholomew J. Goff, Elphin, was admitted in Michaelmas Sittings, 1921, and practised at Elphin, Co. Roscommon.



## LAW SOCIETY CENTENARY ANNUITY FUND.

On the 16th July a letter was sent to the 848 members of the Society requesting subscriptions to the Centenary Annuity Fund. Up to the 9th August, 1941, 167 subscribers have responded, the total amount received being £649 17s. 0d. (not including the Incorporated Law Society's opening contribution of the sum of two hundred guineas).

Subscriptions have been received from the following:—

|                         |                            |                        |
|-------------------------|----------------------------|------------------------|
| Armstrong, W. O.        | Geraghty, G.               | Merrick, A. S.         |
| Ashton, A. E.           | Good, H.                   | Monks & Gaynor         |
| Baily, Gerald           | Gore-Grimes, C. M.         | Montgomery, A. V.      |
| Barrett, W. S.          | Gore-Grimes, C. J.         | Montgomery, E. J.      |
| Barry, W. F. A.         | Greene, Roger & Sons       | Mooney, J. J.          |
| Beatty, A. J.           | Gregg, Jermyn & Sons       | Moore, P. C.           |
| Binchy, J. A.           | Grove-White, G. E.         | Moran, Desmond         |
| Binchy, Owen            | Hall, F. & Son             | Mullan, W. M.          |
| Blake, H. St. J.        | Halpin, J. R.              | Murphy, Fras.          |
| Blood-Smyth, A. J.      | Hamerton, J. E.            | Murphy, J. Baldwin     |
| Boyd, P. R.             | Hamilton, Craig & Mitchell | MacCarthy, J. D.       |
| Bradley, W. G.          | Harte, J.                  | MacGrath, Patrick      |
| Brady, P. J.            | Harvey, C.                 | McCormick, F. B.       |
| Brett, A. E.            | Hayes, R.                  | McDonnell, E. R. & Son |
| Brooks, P. T.           | Hayes, S.                  | McGowan, G. L.         |
| Burne, E. H.            | Hayes, W. S.               | McVeagh, T. G.         |
| Burns, James            | Hemphill, S. R. C.         | Nelson, W. H. Niall    |
| Byrne, Terence          | Hickey, J. J.              | Norman, Wm. J.         |
| Callan, C. E.           | Hopkins, E. J. H.          | O'Brien, E. J.         |
| Carrigan, John P.       | Horan & Devine             | O'Brien, R. A.         |
| Carroll, Edmund         | Horgan, M. J. & Sons       | O'Connell, Daniel      |
| Carruthers & Gamble     | Howard, P.                 | O'Connor, Fras. J.     |
| Clarke, Archibald       | Huggard, W. S.             | O'Connor, J. S.        |
| Clarke, T. G.           | Hunter, W.                 | O'Connor, Patrick      |
| Colfer, T. A.           | Hurley, H. Derek           | O'Donovan, P. M.       |
| Collis, W. S.           | Incorporated Law Society   | O'Leary, D. H.         |
| Comerford, W. J. V.     | of Northern Ireland        | O'Meara, B. M.         |
| Connolly, B. J.         | Jackson, T.                | O'Neill, L. J.         |
| Cooke, C. A.            | Johnston, F. P.            | O'Reilly, P. F.        |
| Corrigan, W. C. M.      | Keane, J. L. & Son         | O'Reilly, T. A.        |
| Cox, A.                 | Keegan, E.                 | Orpen, A. H. S.        |
| Crowley, G.             | Keenan, D. X.              | Osborne, R. A.         |
| Cusack, J.              | Kelly, T. J.               | Overend, G. A.         |
| Downing, C. J.          | Kennedy, C. T.             | Plunkett, E. A. J.     |
| Downing, H. J.          | Kennedy, J. J.             | Pollin, J. M.          |
| Doyle, Terence          | Kent, J. F.                | Purcell, M.            |
| Dundon, J. J.           | Kieran, R. M.              | Quigley, J. B.         |
| Dunne, M. J.            | Knapp, E. O.               | Quin, Adelaide M.      |
| Emerson, E.             | Lanigan, F. J.             | Quinlan, C. S.         |
| English, R. D.          | Lynch, J. J.               | Quirke, A. G.          |
| Fagan, James            | Lynch, S. H.               | Reddy, A. J.           |
| Fagan, James C. Junr.   | Lyons, A. M.               | Robinson, T. P.        |
| Falkiner, R. T.         | Macaulay, R. A.            | Roche, W. C.           |
| Findlater, Wm. & Co.    | Macken, J. J.              | Rosney, P. H.          |
| Fitzgerald, D. & T.     | Macken, J. J. Junr.        | Ryan, John             |
| Fry, O. G. (apprentice) | Masterson, P. J.           | Shannon, H.            |
| Fry, W. Houghton        | Mayne, H. P.               | Shields, Fras.         |
| Fry, William            | Meagher, F. B.             | Shields, V. P.         |
| Furlong, P. C.          | Meredith, W. R. & Son      | Smith, Mary E.         |



## Law Society Centenary Annuity Fund—contd.

|                  |                    |                    |
|------------------|--------------------|--------------------|
| Spain, C. S.     | Tierney, R. J.     | Walshe, M. J.      |
| Stanton, J. J.   | Turpin, H.         | Ward, M.           |
| Stapleton, C. G. | Wakely, W. G.      | Webb, L. W.        |
| Stephenson, R.   | Walker, A. E.      | Webb, Stella M. B. |
| Stevens, W. P.   | Walker, H. J.      | White, C. Blair    |
| Taylor, J. C.    | Walker, R. A.      | Wolfe, J. Travers  |
| Thornhill, W. W. | Walsh, J. H. & Co. | Woolfson, M.       |

## ADMISSIONS AS SOLICITORS OF EIRE.

January to June, 1941, inclusive.

| NAME                                                                        | SERVED APPRENTICESHIP TO          |
|-----------------------------------------------------------------------------|-----------------------------------|
| Arnold, John F. V. ...<br>44 St. Helen's Road,<br>Booterstown, Co. Dublin.  | Samuel G. Rutherford, Dublin.     |
| Boland, Patrick V. ...<br>Vicarstown, Co. Leix.                             | Dermot M. McDowell, Dublin.       |
| Blakeney, Edward St. L. ...<br>9 Cambridge Terrace,<br>Leeson Park, Dublin. | Eugene F. Collins, Dublin.        |
| Byrne, Edward H. ...<br>Abbey View, Dalkey.                                 | Gerald Byrne, Dublin.             |
| Crowley, William A. ...<br>Market Street, Killorglin.                       | Patrick H. Rosney, Caherciveen.   |
| Casey, John ...<br>Rinneen, Corofin, Co. Clare.                             | Plunkett Kenney, Dublin.          |
| Costelloe, Thomas M. ...<br>68 Cadogan Road, Dublin.                        | Frederick W. Gilligan, Dublin.    |
| Devitt, John C. ...<br>Brittas House, Cashel.                               | Nicholas J. O'Donnell, Tipperary. |
| Devins, Patrick P. ...<br>Grange, Co. Sligo.                                | James O'Doherty, Sligo.           |
| Dowling, Dominick M. ...<br>1 York Villas, Rathgar, Dublin.                 | Cecil G. Vanston, Dublin.         |
| Elgee, Richard J. ...<br>7 Selskar Street, Wexford.                         | John Elgee, Wexford.              |
| East, Brendan ...<br>Loughrask,<br>Ballyvaughan, Co. Clare.                 | Plunkett Kenney, Dublin.          |
| Fagan, Lucy ...<br>15 Usher's Island, Dublin.                               | James Fagan, Dublin.              |
| FitzGerald, Alexis J. ...<br>Grangemore, Waterford.                         | Henry D. Keane, Waterford.        |

## Admissions as Solicitors of Eire—contd.

| NAME                                                                        | SERVED APPRENTICESHIP TO                                            |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------|
| Hayes, Henry F. ... ..<br>Mitchell Street, Nenagh.                          | James J. O'Meara, Nenagh.                                           |
| Hannon, Maureen ... ..<br>Moate.                                            | Denis J. Hannon, Athlone.                                           |
| Kearney, James F. ... ..<br>Kells Road, Kilkenny.                           | Martin Kelly, Kilkenny.                                             |
| Lynam, Thomas N. ... ..<br>6 Wolsley Street,<br>S.C.R., Dublin.             | Robert I. Archer, Dublin.                                           |
| Lardner, Matthew J. P. ... ..<br>Monaghan.                                  | Matthew G. R. Lardner, Monaghan.                                    |
| Lynch, Brendan S. ... ..<br>Tully Lodge,<br>Kilmore, Co. Roscommon.         | George Lynch, Carrick-on-Shannon                                    |
| Louth, John T. ... ..<br>Ferrybank, Arklow.                                 | Fintan M. O'Connor, Wexford.                                        |
| McMullin, Eithne P. ... ..<br>Cavan.                                        | Aiden E. R. McCabe, Cavan.                                          |
| McLean, Arthur P. ... ..<br>59 Lr. Drumcondra Road, Dublin.                 | The late F. V. Gordon, Dublin and<br>Dermot McGillicuddy, Dublin.   |
| Murphy, Bryan S. ... ..<br>6 Clifton Terrace, Cork.                         | J. J. Horgan, Cork.                                                 |
| Nutley, Patrick J. ... ..<br>Bushfield Terrace,<br>Donnybrook, Dublin.      | Joseph G. Allen, Dublin.                                            |
| O'Connor, Moya ... ..<br>Swinford.                                          | Patrick O'Connor, Swinford.                                         |
| O'Dubhghaill, Lucas ... ..<br>10 Gartán Avenue, Dublin.                     | John J. Hannan, Dublin.                                             |
| O'Sullivan, Maurice ... ..<br>Ballylongford, Co. Kerry.                     | Gerald Baily, Tralee.                                               |
| Ryan, Charles M. ... ..<br>Dalymount House, Cabra Road, Dublin.             | The late Peter M. Seales, Dublin,<br>and Bernard J. Seales, Dublin. |
| Thornton, Edward ... ..<br>41 Fitzwilliam Place, Dublin.                    | (ex Barrister-at-Law)                                               |
| Twomey, Denis W. ... ..<br>Skibbereen.                                      | J. Travers Wolfe, Skibbereen.                                       |
| Wolfe, Victor D. ... ..<br>Hohnston Avenue,<br>Glenageary Road, Glenageary. | Robert B. Wolfe, Dublin.                                            |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 5] NOVEMBER, 1941.

[ FOR CIRCULATION  
AMONGST MEMBERS

### CONTENTS.

|                                               | PAGE    |
|-----------------------------------------------|---------|
| General Meeting of the Society                | 20      |
| Meetings of the Council                       | 20 & 21 |
| Ballot for Council                            | 21      |
| General Meeting                               | 21      |
| Obituary                                      | 21 & 22 |
| Legal Appointment                             | 22      |
| Examinations Results                          | 22      |
| Preliminary Examinations Awards, 1941         | 22      |
| Legal Practitioners (Qualification) Act, 1929 | 22 & 23 |
| Scholarships, 1941                            | 23      |
| The Solicitors' Golfing Society               | 23 & 24 |
| Law Society Centenary Annuity Fund            | 24      |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 5] NOVEMBER, 1941

[ FOR CIRCULATION  
AMONGST MEMBERS

### GENERAL MEETING OF THE SOCIETY.

A special private General Meeting of the Society, summoned by the Council, for the purpose of considering and approving of the provisions of a Solicitors' Bill drafted by Counsel on instructions from the Council, was held in the Hall of the Society on the 30th September, 1941, at 12.30 p.m.

The President, Mr. J. Travers Wolfe, in the chair. One hundred and seventy five members signed their names as being present. After preliminary discussion lasting until 1.45 p.m. there was an adjournment until 2.30 p.m. On resumption there was further discussion, and the following resolution was passed on a division, by a majority of 32 votes; 88 voting for; 56 against.

"That the general principles of the Bill be accepted subject to such amendments as may be recommended." The following amendment to the resolution which had been passed was moved: "That the consideration of the Bill should be left until six months after the declaration of peace" was rejected on a division by 24 votes; 54 votes for; 78 against.

The following further resolutions were passed: "That this Meeting stands adjourned to consider the Bill further after it has been considered by the present drafting Committee plus added members. Suggestions to be sent to the enlarged Committee within two months; the enlarged Committee to make its suggestions within one further month and the adjourned

"meeting to be summoned by the Council as soon as possible." It was further resolved: "That the President or Chairman of each Bar Association be appointed to represent his Association on the Bill Committee with power to nominate a deputy in the event of his not being able to attend any of the meetings of the Committee."

The President declared that the Meeting do stand adjourned for at least three months.

### MEETINGS OF THE COUNCIL.

29th September.

Eighteen members present.

A letter was read from the Bank of Ireland, the Bankers to the Society, intimating the increase as from the 1st October, 1941, of the Bank's charges for keeping the accounts of the Society. The Council having considered the matter passed the following resolution: "The Council of the Incorporated Law Society of Ireland strongly protests against the proposed new scale of Bank Charges issued by the Irish Banks' Standing Committee without reasonable notice and without any adequate opportunity being afforded to customers to express their views." That copies of this resolution be sent to the Minister for Finance, The Bank of Ireland, being the bank of the Society, The Irish Banks' Standing Committee and the Press.

2nd October.

Thirteen members present.

#### Circuit Court Depositions.

A letter was read from a member drawing attention to the charges per folio for Circuit Court Depositions. The Council directed a reply stating that under the present circumstances no effective action can be taken in this matter but that it will not be lost sight of.

23rd October.

Twenty-nine members present.

Letters of acknowledgement from the Bank of Ireland and from the Banks' Standing Committee were received and were referred to the Privileges Committee to deal with.

#### Neutrality (War Damage to Property) Bill, 1941.

This Bill which has been passed by both Houses of the Oireachtas was under consideration. The President informed the Council that he had been consulted under Section 8 (e) by the Minister for Finance, who had submitted to him a draft scale of compensation prepared under the Section to which the President had expressed his assent.

#### Examinations.

The results of the October Examinations and awards of the Overend Scholarships and of Preliminary Examination Medals and honours were submitted and approved by the Council.

#### Annual Report.

The draft Annual Report of the Council was adopted.

#### BALLOT FOR COUNCIL.

The Ballot for election of Council for year ending 26th November, 1942, will be held on Friday, the 21st November, 1941, from eleven o'clock to one o'clock, in the Secretary's Office, Solicitors' Buildings, Four Courts, Dublin. Voting papers should reach the Secretary not later than one o'clock, p.m., on Friday, the 21st November.

#### GENERAL MEETING.

A Half-yearly General Meeting of the Society will be held at half-past two o'clock, p.m., on Wednesday, the 26th November, 1941, in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin.

#### OBITUARY.

MR. JOHN J. LENAHAN, Solicitor, died on the 4th September, 1941, in Cork.

Mr. Lenahan served his apprenticeship to the late Mr. David J. O'Meara, Mallow, was admitted in Easter Sittings, 1901, and practised at Kanturk, Co. Cork.

MR. ARTHUR KENNY, Solicitor, died on the 25th September, 1941, in Dublin.

Mr. Kenny served his apprenticeship to the late Mr. John O'Dwyer, Tipperary, was admitted in Trinity Sittings, 1926, and practised at Tipperary.

MR. MICHAEL M. GOODBODY, Solicitor, died on the 25th September, 1941, at Greenock, Scotland.

Mr. Goodbody served his apprenticeship to Mr. Joseph Dodds, Limerick, was admitted in Hilary Sittings, 1938, and practised at Limerick.

MR. ROBERT NORMAN POTTERTON, Solicitor, died on the 26th September, 1941, at his residence, "Marlande," Elton Park Road, Glenageary.

Mr. Potterton was admitted in Trinity Sittings, 1893, and practised at 20 Wicklow Street, Dublin.

MR. BARRY ST. J. GALVIN, Solicitor, died on the 2nd October, 1941, in Cork.

Mr. Galvin served his apprenticeship to the late Mr. George P. Cussen, Dublin, was admitted in Hilary Sittings, 1923, and practised at 36 South Mall, Cork, as a member of the firm of Barry C. Galvin & Son. Mr. Galvin had been from 1931 to 1936, and again in 1939-40, one of the Extra-Ordinary members of the Council, representing the Southern Law Association.

MR. WILLIAM A. LANE, Solicitor, died on the 13th October, 1941, at Limavady.

Mr. Lane was apprenticed to the late William M. Lane, Dublin, was admitted in Hilary Sittings, 1908, and practised at Limavady as senior partner of the firm of Lane and Boyle.

MR. THOMAS C. PERROTT, Solicitor, died on the 27th October, 1941, at his residence, 30 Belmont Avenue, Donnybrook; Dublin.

Mr. Perrott was admitted in Easter Sittings, 1888, and practised at 14 Westmoreland Street, Dublin.

#### LEGAL APPOINTMENT.

Mr. Gerald M. Counahan, Solicitor, Galway, has been appointed County Registrar for the County Galway, in room of George S. Nicholls, resigned.

#### EXAMINATIONS RESULTS.

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

1. Henry Lynch.
2. Benedict J. Daly.
3. Leslie Mellon.
4. Gordon S. Drought.
5. Donal V. Goulding.
6. John Cowan.

Nine candidates attended; six passed; three failed.

#### PRELIMINARY EXAMINATIONS AWARDS,

1941.

A Gold Medal was awarded to John P. M. McNally, a Silver Medal to Henry Lynch, and Special Certificates to Benedict J. Daly and Leslie J. Mellon.

#### LEGAL PRACTITIONERS (QUALIFICATION) ACT, 1929.

The following passed a "First" Examination in Irish under the above Act, held on the 3rd October.

Mary T. Barry.  
Bernard J. Carroll.  
Toirdhealbhadh de Valera.  
Desmond J. A. Dowdall.  
Carmel Early.  
Mathew A. Farrell (Junn.)  
James M. Farrelly.  
Donal V. Goulding.  
Denis A. Lawler.  
Kieran W. A. McAnally.  
Arthur R. J. McDonald.  
Francis J. C. Martin.  
Matthew F. J. Moore.  
Blainaid Ni Uadhaigh.  
William F. O'Connell.  
Timothy J. O'Donoghue.  
Eoin O'Riain.  
Michael M. Phelan.  
John A. Thornton.  
David Twomey.

Twenty-seven candidates attended; twenty passed; seven failed.

The following passed a "Second" examination in Irish under the above Act, held on the 3rd and 4th October.

Mary J. Brennan.  
Gerard C. Byrne.  
James A. Casey.  
Philip V. Clarke.  
Samuel V. Crawford.  
John A. C. Kieran.  
Edward M. Kirk.  
Joseph Linehan.  
Hugh A. Ludlow.  
Thomas A. Moylan.  
Thomas D. Noonan.  
Nicholas G. Proud.  
Thomas Reilly.  
Peter P. Ryan.  
Patrick J. V. Sweeney.

Twenty-one candidates attended; fifteen passed; six failed.



At the Intermediate Examination for apprentices to Solicitors held on the 1st October, the following passed the examination.

**Passed with Merit.**

1. Kevin P. McMorrow.
2. Oliver G. Fry.
3. Denis H. O'Riordan.
4. Sean P. Maguire.
5. Joan Conway.

**Passed.**

- George D. Buckley.  
 Vincent P. J. Forde.  
 Owen Goff.  
 Caoimhghin MacCathmhaoil.  
 Eileen Neilan.  
 Edward A. O'Doherty.  
 Eileen O'Reilly.  
 Kevin J. O'Shaughnessy.  
 William H. Richardson.  
 Walter P. Toolan.  
 James G. D. Walsh.

Twenty-five candidates attended; sixteen passed; nine failed.

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

1. Raymond G. Hickey, B.A., N.U.I.
2. Eamon J. Crowley, B.A., N.U.I.
3. John F. O'Mahony, B.A., N.U.I.
4. Leo Branigan.
5. Gerard Quinn.
6. John Bolton.
7. John C. Griffin.
8. Patrick J. Kelly.
9. Raphael D. Scligman.
10. Peter W. Dickson.
11. John F. Kiernan.
12. John G. Bolger.
13. Joseph Plunkett.
14. Roderick B. McConnell.
15. Daniel W. Curran.
16. Edward W. Hughes.

17. Bernard W. McCloskey.
18. Rory C. FitzGibbon.
19. Robert B. McGrath.
20. Daniel J. Buckley, B.A., N.U.I.
21. Patrick C. McLaughlin.
22. Cornelius Crowley.
23. William R. A. Keller, B.A., T.C.D.
24. James Kennedy.
25. Frederick A. Lyons.
26. James Molloy.
27. Dermot S. Dunleavy.
28. Seamus N. Mahon, B.A., N.U.I.

Forty-four candidates attended; twenty-eight passed; sixteen failed.

A Special Certificate has been awarded to Raymond G. Hickey, B.A., N.U.I.

**SCHOLARSHIPS, 1941.**

The Overend Final Examination Scholarship (Real Property and Conveyancing) has been awarded to Alexis J. FitzGerald.

The Overend Preliminary Examination Scholarship has been awarded to John P. McNally.

The Findlater Scholarship will not be awarded for 1941.

**THE SOLICITORS' GOLFING SOCIETY.**

The Autumn Meeting of the Society was held at the Grange Golf Club on Thursday, the 2nd of October. The day was fine and a big entry competed for the Incorporated Law Society's Challenge Cup and the Ryan Challenge Cup (limited to handicaps of 13 and upwards).

The Law Society's Challenge Cup and the Prize presented by the President of the Law Society to the Winner were won by Kevin Burke and the Ryan Challenge Cup was won by James Hickey. The Prize for the best gross was won by A. W. Briscoe.

A Nine Hole Four Ball Sweepstake was played in the afternoon and resulted in a tie between D. P. Morris and H. J. Fitzpatrick and J. L. McLoughlin and J. Montgomery with four up.

At the Annual General Meeting held afterwards the following officers were elected for 1942:—

President: The President of the Incorporated Law Society.

Captain: G. E. Grove White.

Hon. Treasurer: T. D. McLoughlin.

Hon. Secretary: J. D. Rooney.

Committee: H. J. Fitzpatrick, P. Glynn, Hugh O'Donnell, T. A. O'Reilly and R. Walsh.

The Meeting was followed by an enjoyable dinner in the Club House at which the outgoing Captain, P. R. Boyd, presided.

Solicitors who wish to become members should communicate with the Hon. Sec., John D. T. Rooney, Solicitor, Bank of Ireland, College Green, Dublin.

#### LAW SOCIETY CENTENARY ANNUITY FUND.

219 members have responded to the request of the Society for subscriptions to above. The total amount received up to 20th November, 1941, is £903 12s. 0d. (excluding the Incorporated Law Society's opening contribution of the sum of two hundred guineas). Subscriptions have been received from the following since the publication of the list in the Gazette of August last:—

Bennett, Thompson & Edwards.

Boland, E.

Boland, M. R.

Buggy, John W.

Clinch, Francis.

Collins, D. J.

Collins, E. F.

Cresswell, J. R.

Cussen, R. J.

Davidson, H.

Dix, H. T., & Son.

Dodds, Joseph.

Doyle, C. S.

Duggan, W. L.

Gillespie, John

Gilligan, F. W.

Gilmore, D. B.

Harris, J. L.

Kearon, L. E.

Knight, M. E.

Knight, W. M.

Louth Sessional Bar Association.

Lowe, E. S.

Margetson & Greene.

Maunsell, H. R.

Mayne, Desmond J.

O'Connor, Peter

O'Connor, P. J.

O'Donnell, H. P.

O'Hagan & Son.

O'Hea, J. MacC.

O'Meara, W. J.

O'Reilly, W. J.

Phelan & Co.

Quirke, T. G.

Rice, I. J.

Robinson, A. & J.

Rooney, J. D.

Rooney, Patrick.

Russell, C. W.

Scallan, J. L. & Co.

Shanley & Walsh

Sharpe, F. G.

Solicitors' Golfing Society.

Smyth, M. A.

Stirling, A. W.

Thornton, A. V. G.

Watson, A. B.

Whelan, H. R.

White & Meares

White, J. Malvern

Woulfe, M. J.

As the appeal will be closed at an early date intending subscribers are asked to send their subscriptions as soon as possible.



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

Vol. XXXV, No. 6] DECEMBER, 1941

[FOR CIRCULATION  
AMONGST MEMBERS

## CONTENTS.

|                                                        | PAGE    |
|--------------------------------------------------------|---------|
| The President .....                                    | 26      |
| The Vice-Presidents .....                              | 26      |
| Meeting of the Council .....                           | 26      |
| Legal Practitioners (Qualification) Act, 1929 .....    | 26      |
| Hilary Sittings Lectures, 1942 .....                   | 26      |
| Examination Papers, 1941 .....                         | 26      |
| The Incorporated Law Society of Northern Ireland ..... | 26      |
| The Southern Law Association .....                     | 26      |
| Obituary .....                                         | 26 & 27 |
| New Members .....                                      | 27      |
| Half-Yearly General Meeting .....                      | 27 & 28 |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 6] DECEMBER, 1941

[ FOR CIRCULATION  
AMONGST MEMBERS

### THE PRESIDENT.

The Council elected on the 4th December Mr. George Acheson Overend, of Dublin, to be President of the Society for the ensuing twelve months. The newly-elected President was admitted a Solicitor in Michaelmas Sittings, 1907. He was elected a member of the Council of the Society in 1928, and was a Vice-President of the Society for the year 1933-34.

### THE VICE-PRESIDENTS.

The Council has elected Mr. John J. Dunne of Kildare and Mr. John J. Dundon of Limerick to be Vice-Presidents for the ensuing twelve months.

### MEETING OF THE COUNCIL.

13th November.

Fifteen members present.

### Courts of Justice.

A letter was read from the Minister for Justice drawing attention to the fact that in the cases of four of the Society's representatives who are members of Rules Committees under the Courts of Justice Act, 1936, each of their periods of five years will expire on 13th prox. and that steps should be taken by the Council in the matter.

### Finance.

The Council approved and ratified the action of the Finance Committee in applying for £1,000 National Security Loan which has since been allotted to the Society.

### LEGAL PRACTITIONERS (QUALIFICATION) ACT, 1929.

A "First" Examination in Irish and a "Second" Examination in Irish will be

held on Friday and Saturday, the 6th and 7th days of February, 1942.

Notices of intention to attend either of the above-mentioned examinations should be lodged in the Secretary's Office before the 16th day of January.

### HILARY SITTINGS LECTURES, 1942.

Senior class lectures will begin on Tuesday, the 13th January. Junior class lectures will begin upon Monday, the 12th January.

### EXAMINATION PAPERS, 1941.

The Booklet containing the papers set at all the examinations held by the Society during the year 1941 can now be obtained from the Secretary's Office. Price 2/-, post free.

### THE INCORPORATED LAW SOCIETY OF NORTHERN IRELAND.

Mr. John Archer, of City Hall, Belfast, has been elected President of the Society for the year 1941-42.

### THE SOUTHERN LAW ASSOCIATION.

Mr. John J. Stanton, of 47 South Mall, Cork, has been elected President of the Association for the year 1941-42.

### OBITUARY.

MR. JAMES G. FRANKS, Solicitor, died on 2nd November, 1941, at his residence, "Roseneath," Malahide.

Mr. Franks served his apprenticeship to the late Mr. John Maunsell, Dublin, and was

admitted in Hilary Sittings, 1901. He practised with the firm of Maunsell, Darley and Orpen, Dublin, up to the year 1910, when he was appointed Examiner of Titles in the Irish Land Commission, and in 1923 he was also appointed Public Trustee.

MR. PATRICK J. KAVANAGH, senior, Solicitor, died on 3rd November, 1941, at his residence, "Ardfallen," Cork.

Mr. Kavanagh served his apprenticeship to the late Mr. Philip W. Bass, Cork, was admitted in Trinity Sittings, 1898, and practised at Cork under the style of P. W. Bass & Co.

Mr. Kavanagh was one of the representatives of the Southern Law Association on the Council of the Society from the year 1920 to 1936.

MR. GEORGE GREEN, Solicitor, died on 15th November, 1941, at his residence, 28 Waltham Terrace, Blackrock, Co. Dublin.

Mr. Green was admitted in Michaelmas Sittings, 1894, and practised at 52 Dame Street, up to 1940, when he retired.

MR. DANIEL MACLAUGHLIN, Solicitor, died on 17th November, 1941, at his residence, Breezemount, Coleraine.

Mr. MacLaughlin was admitted in Trinity Sittings, 1877, and practised at Coleraine.

MR. THOMAS W. FRANKS, Solicitor, died on 18th November, 1941, at his residence, Weston House, Dundrum, Co. Dublin.

Mr. Franks served his apprenticeship to the late Mr. Thomas C. Franks, Dublin, was admitted in Hilary Sittings, 1906, and practised at 21 Lower Fitzwilliam Street, Dublin, as a member of the firm of Franks and Oulton.

#### NEW MEMBERS.

The following have joined the Society:—

Philip J. Clarke, Listowel.

P. J. Connellan, Longford.

Michael A. Conroy, Ballaghaderreen.

Thos. M. Costelloe, 3 Upper O'Connell Street, Dublin.

Michael J. Egan, Castlebar.

Ivan B. Elliott, Belfast.

Eric C. Erskine, 2 St. Stephen's Green, Dublin.

Joseph H. Evans, 13 Westmoreland Street, Dublin.

W. Boyle Fawsitt, 13 St. Stephen's Green, Dublin.

John Forde, Boyle.

John P. J. Gannon, Cootehill.

John Kelly, Elphin.

Thos. N. Lynam, 32 Lt. Ormond Quay, Dublin.

C. H. Maidment, 30 Kildare Street, Dublin.

Robert L. McDonnell, 58 Dame Street, Dublin.

James Neville, Bandon.

Michael P. O'Neill, 71 Middle Abbey Street, Dublin.

Alex C. P. Ross, 67 Dame Street, Dublin.

Patrick P. Sweeney, Roscommon.

Wm. J. Walsh, 58 Dame Street, Dublin.

Victor D. Wolfe, 10 St. Stephen's Green, Dublin.

#### HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Wednesday the 26th November, 1941. The Chair was occupied by the President (Mr. J. Travers Wolfe) and the following members of the Society were also present:—

W. J. Norman (Vice-President), D. O'Connell

(Vice-President), P. R. Boyd, W. Gordon

Bradley, E. H. Burne, John P. Carrigan,

E. F. Collins, Arthur Cox, W. S. Hayes,

M. G. R. Lardner, H. P. Mayne, T. D.

McLoughlin, J. S. O'Connor, Peter O'Connor,

L. E. O'Dea, S. O'hUadhaigh, P. F. O'Reilly,

G. A. Overend, T. G. Quirke, C. G. Stapleton,

James Fagan, James C. Fagan, L. J. Jameson,

J. E. Hamerton, R. A. J. O'Brien, J. D.

Hollinger, J. T. Hamerton, A. E. Ashton,

A. G. Joyce, L. J. O'Neill, P. K. M. Caréy,

M. J. Bowers, J. L. McLoughlin, C. W.

Grove-White, C. T. Blair-White, C. M.

Grimes, H. R. Maunsell, Gerald Byrne,

E. W. Proud, W. S. Barrett, T. H. R. Craig,

Desmond Moran, A. H. S. Orpen, V. A.

Walker, T. J. Greene, Denis Greene, M. A.

Smyth, E. J. Montgomery, W. Boyle Fawsitt,

H. E. M. W. Flanagan, R. N. Keller, H. J.

W. Downey, Geo. Crowley, Denzil O'Donnell,

A. E. Walker, F. J. W. Darley, P. C. Moore,

E. A. Margetson, T. J. Kenny, J. B. McCann,

Ivan Howe, Brendan T. Walsh, Roger

Greene.

The Secretary read the Notice convening the meeting, also the minutes of the General Meeting of 16th May, 1941, which were signed by the Chairman. The Secretary also read the minutes of the Special Private General Meeting which was held upon the



30th September, 1941, which were signed by the Chairman.

The Chairman with the consent of the meeting signed the audited accounts of the Society for the year ending 30th April, 1941.

The Secretary read the Report of the Scrutineers of the Ballot for Council, which stated that the following had been returned unopposed as Provincial Delegates:—

Ulster, John Gillespie; Munster, A. J. Blood-Smyth; Leinster, W. L. Duggan; Connaught, C. E. Callan. That for the thirty-one Ordinary Members of the Council the following had been elected and received the number of votes placed after their respective names:—J. Travers Wolfe, 360; E. F. Collins, 348; Arthur Cox, 347; W. J. Norman, 339; P. F. O'Reilly, 338; H. P. Mayne, 337; T. G. Quirke, 335; J. P. Carrigan, 328; H. St. J. Blake, 328; J. J. Lynch, 327; W. S. Hayes, 321; S. O'hUadhaigh, 320; L. E. O'Dea, 311; Peter O'Connor, 308; P. R. Boyd, 305; M. G. R. Lardner, 295; G. A. Overend, 286; D. O'Connell, 286; M. E. Knight, 285; J. R. Brennan, 269; H. O'Donnell, 267; W. Gordon Bradley, 267; E. H. Burne, 265; J. B. Hamill, 254; R. A. Macaulay, 246; J. J. Dunne, 246; John J. Dundon, 242; J. S. O'Connor, 237; C. G. Stapleton, 234; W. S. Huggard, 233; T. D. McLoughlin, 227; and the following to form a supplemental list in case of vacancies:—Roger Greene, 222; F. D. Darley, 198; J. F. Smyth, 191.

The President addressing the Meeting said:—

There is very little to add to the Report of the Council for the year ending to-day, which has been put before you. The membership of your Society shows a small but satisfactory increase following up previous increases; we trust this increase will continue. I wish I could say the same of the general prospects of the profession. Our profession is an overcrowded one. During this year 67 new solicitors have arrived. Owing to the shortage of petrol and coal, travelling facilities, so important especially for the Country Solicitors, have proved a very serious matter. It now means to me that every time I come to Dublin to attend a Meeting of the Council I am absent three and often four nights. The journey from Cobh to Dublin prior to the curtailment of the train service took three-and-a-half hours. I have recently made the journey from

Dublin to Cork in eleven hours, but I am told that many others have been less fortunate. I have made the journey from Cork to my home town, a distance of just over fifty miles, in six-and-a-half hours, but again, I do not hold the record.

The position of the Country Solicitor is at present not a happy one. His city brother is not much better off. Owing to the shortage of petrol there has been a substantial decrease (I was going to say a regrettable decrease) in the number of actions for personal injuries. Land purchase is also dying out. Legal work of every kind has been badly hit by the present unsettled economic situation. When the trouble in this country was at its worst the country solicitors were largely fed with Criminal Injury Applications, and while we will not ask for a return of those days nothing has come to replace the shortage of litigation.

As you know this has been the Centenary year of our Society. We have celebrated it by proceeding to establish a permanent annuity to be administered through our very efficient Benevolent Association. I was hoping, and am still hoping, that we would have a sufficient fund to establish an annuity of £40 a year. We are still a little short of that mark, but with a strong pull, and a pull all together, we should be in a position to accomplish it. When we do, many a widow and many an orphan will bless the Centenary year of our Society.

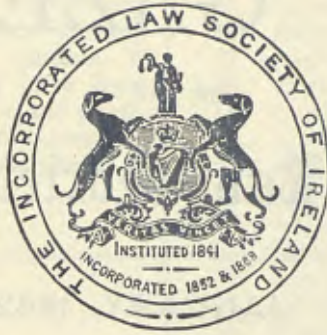
May I venture an optimistic note as to the prospects of our honoured profession. What the veil of the future may hide is not given to man to know, and the darkest hour is that before the dawn, and may we hope and pray that the dawn of the Legal Profession in Eire will soon break; Universal peace would bring that; and may we hope and pray that it will not be long in coming.

I beg to move the adoption of the Report.

Mr. W. J. Norman, Vice-President, seconded the adoption of the Report, and Mr. McLoughlin, Mr. Desmond Moran and Mr. E. H. Burne having spoken, the President replied and put the motion that the Report be adopted, which was passed unanimously.

Mr. Norman, Vice-President, having taken the chair, on the motion of Mr. E. H. Burne, seconded by Mr. O'Connell, Vice-President, and supported by the Chairman, Mr. Norman, a hearty vote of thanks was passed to the President who returned thanks and the meeting terminated.





# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 7] JANUARY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### CONTENTS.

|                                                                      | PAGE |
|----------------------------------------------------------------------|------|
| Solicitors' Annual Certificates                                      | 30   |
| Meetings of the Council                                              | 30   |
| Election of President and Vice-Presidents                            | 30   |
| Statutory Committee                                                  | 30   |
| Solicitors' Bill, 1940, Committee                                    | 30   |
| Committees of the Council                                            | 30   |
| Obituary                                                             | 30   |
| Law Society Centenary Annuity Fund                                   | 31   |
| Statutes of the Oireachtas passed during the Year 1941               | 31   |
| Requirements of Dublin Corporation Re Purchasing of Houses           | 31   |
| Admissions as Solicitors' of Eire, July to December, 1941, Inclusive | 32   |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 7]

JANUARY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### SOLICITORS' ANNUAL CERTIFICATES.

Members are reminded that Annual Certificates for the year ending the 5th day of January, 1943, should be taken out and the duties paid thereon before the 6th day of February, 1942.

Members are recommended to keep in safe custody their Certificates when stamped, so that the Certificates will be ready for production when required, and Dublin Agents of country solicitors should communicate with their correspondents as to the taking out of Certificates and likewise country Solicitors should communicate with their Dublin Agents on the subject.

### MEETINGS OF THE COUNCIL.

4th December.

Twenty-three members present.

#### Election of President and Vice-Presidents.

The Council elected Mr. G. Acheson Overend to be President of the Society and Mr. John J. Dunne and Mr. John J. Dundon to be Vice-Presidents for the ensuing twelve months.

11th December.

Twenty members present.

The following names were submitted by the Southern Law Association to be Extra-Ordinary Members of the Council:—John J. Stanton (President), Edward E. Emerson, Frederick H. Hall, John J. Horgan and Barry M. O'Meara; and the following names were submitted by the Incorporated Law Society of Northern Ireland to be Extra-Ordinary Members of the Council:—John Archer (President), Geo. Murnaghan, James C. Taylor, Charles Thom and Robert Watts.

### Statutory Committee.

A letter was read from the Hon. the Chief Justice appointing the following members of the Council to be the Statutory Committee for the year ending 26th November, 1942:—Mr. E. F. Collins, Mr. M. E. Knight, Mr. James J. Lynch, Mr. Henry P. Mayne, Mr. Peter O'Connor, Mr. G. A. Overend and Mr. Jasper Travers Wolfe.

### Solicitors' Bill, 1940, Committee.

The following were elected to be the Solicitors' Bill Committee:—The President, The two Vice-Presidents, The ex-President, Messrs. Mayne, Boyd, Burne, O hUadhaigh, O'Reilly, Stapleton, Cox and Norman.

### COMMITTEES OF THE COUNCIL.

Committees of the Council for the year were appointed.

### OBITUARY.

MR. WILLIAM J. McCLENAGHAN, Solicitor, died on 14th December, 1941, at his residence, 6 Duncairn Terrace, Bray, Co. Wicklow.

Mr. McClenaghan served his apprenticeship to the late Mr. Michael L. Horan, Dublin, was admitted in Hilary Sittings, 1892, and practised at 119 St. Stephen's Green, Dublin.

MR. C. RUPERT ROBINSON, Solicitor, died on 21st December, 1941, in Dublin.

Mr. Robinson served his apprenticeship to Mr. Plunkett Kenney, Dublin, was admitted in Hilary Sittings, 1904, and practised at 10 Nassau Street, Dublin.

MR. EDWARD LEAHY, Solicitor, died on 31st December, 1941, in Limerick.

Mr. Leahy served his apprenticeship to the late Mr. William Leahy, was admitted in Hilary Sittings, 1901, and practised at Limerick.



### LAW SOCIETY CENTENARY ANNUITY FUND.

The total amount received up to 15th January, 1942, including Bank interest and The Incorporated Law Society's opening contribution of two hundred guineas, is £1,378 18s. 11d. Subscriptions have been received from the following since the publication of the list in the Gazette of November last. The total number of subscribers to 15th January, 1942, is now 248.

Ardagh, Arthur G.  
Baillie-Gage, Cecil  
Battley, J. D'Oyly.  
Black, Joseph P.  
Brown & McCann.  
Carey, P. M. K.  
Carrigan, John F.  
Coulter, A. S.  
Craig, T. H. R.  
Dixon, Joseph H.  
Duffy, Edward J.  
Edmundson & Parkes.  
Exham, Cecil H.  
Fogarty, W. H.  
French, R. A.  
Hardman, T. W. & Sons.  
Houlihan, Arthur C.  
Jameson, Leopold J.  
Kerry (County) Law Society.  
Knight, George W.  
Lardner, M. G. R.  
Mackintosh, T. C. G.  
McCann & Murphy.  
O'Connell, J. D.  
O hUadhaigh, Sean.  
Reilly, Daniel J. & Co.  
Rooke & Beers.  
Tormey, William A.  
Walker, Vernon A.  
Walsh, T. & R.  
White, T. de V.

### STATUTES OF THE OIREACHTAS PASSED DURING THE YEAR 1941.

1. Electricity (Supply) (Amendment).
2. Army Pensions.
3. Unemployment Insurance.
4. Central Fund.
5. Cork City Management (Amendment).
6. Defence Forces (Temporary Provisions).
7. Seeds and Fertilisers Supply.
8. Slievardagh Coalfield Development.
9. Dairy Produce (Price Stabilisation) (Amendment).
10. Dairy Produce (Amendment).
11. Milk (Regulation of Supply and Price) (Amendment).
12. Children.

13. Minerals Exploration and Development Company.
14. Finance.
15. Local Officers and Servants (Dublin).
16. Emergency Powers (Continuance).
17. Appropriation.
18. Housing (Amendment).
19. Garda Siochana (Compensation).
20. Local Elections (Amendment).
21. Offences Against the State (Forfeiture)
22. Trade Union.
23. Local Government.
24. Neutrality (War Damage to Property).
25. Imposition of Duties (Confirmation of Orders).
26. Expiring Laws.
27. Agriculture (Amendment).
28. Electoral.

### REQUIREMENTS OF DUBLIN CORPORATION RE PURCHASING OF HOUSES.

The following is copy of a letter appearing in the *Irish Law Times* of December 27th, 1941:

*Corporation of Dublin, Streets Section,  
29 Castle Street, Dublin.  
19th December, 1941.*

*The Editor, Irish Law Times.*

*Dear Sir,*

*I would ask you to draw the attention of all practising Solicitors to a matter which is of great importance to purchasers of houses and to the Municipality.*

*The Corporation will not take a road into charge and light and maintain it unless such road has been constructed in accordance with the requirements of the Corporation. It is, therefore, advisable that every Solicitor who is acting for a prospective purchaser of a house should, before completing the purchase, enquire from the Corporation whether or not the road on which the house is situated has been constructed to the satisfaction of the Corporation and is in charge, and if there are any charges or notices of the Corporation outstanding against the premises. Where neglect to make these enquiries occurs, the purchaser may find himself in possession or in occupation, of a house on an unfinished and unlighted road (a state of affairs for which the Corporation is not responsible), with the added disadvantage that the Corporation may, at any time, feel bound to exercise its powers under Section 28 of the Public Health (Ireland) Act, 1878, and reconstruct the road and provide a lighting installation at the expense of the then owners of the houses fronting on the road.*

*Yours faithfully,  
(Signed) P. J. Hennon,  
City Manager and Town Clerk.*



**ADMISSIONS AS SOLICITORS OF EIRE.  
JULY TO DECEMBER, 1941, INCLUSIVE.**

| NAME                                                               | SERVED APPRENTICESHIP TO :                                                |
|--------------------------------------------------------------------|---------------------------------------------------------------------------|
| Leo Branigan ...<br>Lisanurlan House, Longford.                    | The late T. W. Delany, Longford<br>and Thomas J. Branigan, Drogheda.      |
| Daniel J. Buckley ...<br>"Lisnacairn," Blackrock Road, Cork.       | Michael Dorgan, Cork.                                                     |
| Philip V. Clarke ...<br>Farrell Street, Kells.                     | Patrick J. A. Sweetman, Kells.                                            |
| Daniel A. Coghlan ...<br>"Holmwood," Rosbercon, New Ross.          | James P. Coghlan, New Ross.                                               |
| Cornelius Crowley ...<br>Coolemore, Millstreet, Co. Cork.          | Edward Neville, Cork.                                                     |
| Eamon J. Crowley ...<br>406 North Circular Road, Dublin.           | George Crowley, Dublin.                                                   |
| Daniel W. Curran ...<br>Dominick Street, Galway.                   | Charles A. Cooke, Galway.                                                 |
| Peter W. Dickson ...<br>Fahan, Co. Donegal.                        | Frederick G. Dickson,<br>Fahan, Co. Donegal.                              |
| Dermot S. Dunleavy ...<br>Mohill, Co. Leitrim.                     | Patrick J. McCrann,<br>Longford.                                          |
| Thomas D. Healy ...<br>Devonshire Arms Hotel, Bandon.              | Alex. M. Healy, Cork.                                                     |
| Jeremiah B. Hickey ...<br>10. Edward Street, Tralee.               | John D. O'Connell, Tralee.                                                |
| Donald J. Hughes ...<br>"Coolevin," Glenageary, Dun. Laoghaire.    | Wm. J. Norman, Dublin.                                                    |
| Patrick J. Kelly ...<br>Redhills, Co. Cavan.                       | Joseph P. Black, Clones.                                                  |
| John A. C. Kieran ...<br>"Moytura," Dalkey.                        | R. M. Kieran, Dublin.                                                     |
| Edward M. Kirk ...<br>Cappa, Kilrush.                              | Patrick P. P. O'Shea, Kilrush.                                            |
| James B. MacClancy ...<br>Bellevue, Ennis.                         | Gerald J. O'Donnell, Ennis.                                               |
| P. K. I. McCourt ...<br>Main Street, Roscommon.                    | Martin J. Neilan, Roscommon.                                              |
| Patrick C. McLaughlin ...<br>Drumaville House, Malin, Co. Donegal. | Herbert McCloughan,<br>Letterkenny.                                       |
| Michael P. O'Neill ...<br>18 Iona Road, Glasnevin, Dublin.         | To the late Michael J. O'Neill,<br>Dublin, and Peter J. Flynn,<br>Dublin. |
| John F. Scott ...<br>Gortnacranagh, Co. Roscommon.                 | Cathal L. Flynn,<br>Carrick-on-Shannon.                                   |
| William J. Walsh ...<br>9 Arbutus Avenue, Harold's Cross, Dublin.  | Edmond R. McDonnell,<br>Dublin.                                           |



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

---

Vol. XXXV, No. 8] FEBRUARY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

---

## CONTENTS.

---

|                                                     | PAGE    |
|-----------------------------------------------------|---------|
| Meeting of the Council                              | 34      |
| Solicitors' Bill                                    | 34 & 35 |
| Obituary                                            | 35      |
| The High Court of Justice, Spring Circuits for 1942 | 35 & 36 |
| Examination Papers, 1941                            | 36      |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 8] FEBRUARY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETING OF THE COUNCIL.

15th January.

Twenty members present.

### Election of Representatives on Rule-Making Committees.

A letter was read from Mr. T. H. R. Craig intimating to the Council that he did not desire re-appointment as a member of the Circuit Court Rules Committee, which position he had filled for the past five years. The Council recorded a vote of thanks to Mr. Craig for his services in that capacity which were much appreciated by the Council.

Mr. John J. Horgan having in November last intimated to the Council that he did not desire re-appointment as a member of the Circuit Court Rules Committee, his resignation was accepted and a vote of thanks was recorded expressing appreciation of his services as a member of the Committee.

The Council appointed Mr. Sean O hUadhaigh and Mr. John J. Dunne to be members of the Circuit Court Rules Committee for the ensuing five years.

The Council re-appointed for five years Mr. E. H. Burne to be one of the members of the Council on the District Court Rules Committee.

The Council re-appointed for five years Mr. Henry P. Mayne to be a member of the Local Registration of Titles Rules Committee.

### SOLICITORS' BILL.

The Joint Committee in charge of this Bill, consisting of representatives of the Council and representatives of the Provincial Bar Associations, met upon Tuesday, the 27th January. The following were present:— The President (Mr. Overend) in the chair, Mr. J. J. Stanton, President Southern Law Association, Mr. H. P. Mayne, Mr. E. H. Burne, Mr. McGonagle, Mr. J. J. Dunne, Mr. W. J. Norman, Mr. Sean O hUadhaigh, Mr. A. J. Blood-Smyth, Mr. A. C. Houlihan, Mr. P. R. Boyd, Mr. A. Cox, Mr. C. G. Stapleton, Mr. W. S. Huggard, Mr. A. S. Coulter, Mr. P. F. O'Reilly, Mr. R. A. Macaulay, Mr. T. H. R. Craig, Mr. L. F. Branigan, Mr. A. J. Malone and Mr. Hugh O'Donnell.



The entire draft Bill was discussed in detail and was considerably amended. Most of the amendments were carried unanimously and it was decided that the Bill with the amendments should be sent to Counsel to settle.

### OBITUARY.

MR. J. CECIL B. O'DOWD, Solicitor, died on 4th January, 1942, at his residence, 6 Victoria Avenue, Donnybrook, Dublin.

Mr. O'Dowd was admitted a Solicitor in Easter Sittings, 1894, and practised in Dublin up to 1897 when he ceased to practise on his own account.

MR. EDWARD PHELAN, Solicitor, died on 10th January, 1942, at his residence, Mont Clare Hotel, Clare Street, Dublin.

Mr. Phelan served his apprenticeship with the late Mr. John H. Callan, Dundalk, was admitted a Solicitor in Michaelmas Sittings, 1905, and practised as senior partner in the firm of Phelan & Co. at Dundalk and Carrickmacross.

MR. PATRICK O'CONNOR, Solicitor, died on 12th January, 1942, at Swinford, Co. Mayo.

Mr. O'Connor served his apprenticeship with the late Mr. Henry B. Fitzgerald, Dublin, was admitted a Solicitor in Michaelmas Sittings, 1900, and practised at Swinford. Mr. O'Connor was Coroner for East Mayo.

MR. ATWELL H. ALLEN, died on 14th January, 1942, at his residence, "Merville," Cobh.

Mr. Allen was admitted a Solicitor in Trinity Term, 1877, and practised at Cobh up to the year 1938 when he retired.

### THE HIGH COURT OF JUSTICE.

Spring Circuits for 1942.

Sittings which have been fixed for various Counties.

The following arrangements have been made in respect of the Spring Circuits:—

#### EASTERN CIRCUIT.

*Wicklow*—At Wicklow, Monday, March 2nd, at 11.30 o'clock.

*Wexford*—At Wexford, Tuesday, March 3rd, at 11 o'clock.

*Waterford (City and County)*—At Waterford, Wednesday, March 4th, at 11 o'clock.

*Tipperary (South Riding)*—At Clonmel, Friday, March 6th, at 12.30 o'clock.

*Tipperary (North Riding)*—At Nenagh, Saturday, March 7th, at 11 o'clock.

*Offaly*—At Tullamore, Tuesday, March 10th, at 11 o'clock.

*Leix*—At Portlaoighise, Thursday, March 12th, at 12 o'clock.

*Kilkenny*—At Kilkenny, Friday, March 13th, at 11 o'clock.

*Carlow*—At Carlow, Saturday, March 14th, at 11 o'clock.

*Kildare*—At Naas, Wednesday, March 18th, at 11 o'clock.

JUDGE—The Hon. the President of the High Court.

#### SOUTHERN CIRCUIT.

*Clare*—At Ennis, Tuesday, March 3rd, at 11 o'clock.

*Limerick (County and City)*—At Limerick, Friday, March 6th, at 11 o'clock.

*Kerry*—At Tralee, Wednesday, March 11th, at 11 o'clock.

*Cork (County and City)*—At Cork, Monday, March 16th, at 11 o'clock.

JUDGES—The Hon. Mr. Justice Geoghegan, The Hon. Mr. Justice Maguire.

## WESTERN CIRCUIT.

*Longford*—At Longford, Tuesday, March 3rd, at 11 o'clock.

*Leitrim*—At Carrick-on-Shannon, Thursday, March 5th, at 11 o'clock.

*Sligo*—At Sligo, Saturday, March 7th, at 11 o'clock.

*Mayo*—At Castlebar, Wednesday, March 11th, at 11 o'clock.

*Galway*—At Galway, Monday, March 16th, at 11 o'clock.

*Roscommon*—At Roscommon, Saturday, March 21st, at 11 o'clock.

JUDGES—The Hon. Mr. Justice O'Byrne,  
The Hon. Mr. Justice Black.

## NORTHERN CIRCUIT.

*Westmeath*—At Mullingar, Monday, March 2nd, at 11.30 o'clock.

*Meath*—At Trim, Wednesday, March 4th, at 11.30 o'clock.

*Cavan*—At Cavan, Monday, March 9th, at 11.30 o'clock.

*Monaghan*—At Monaghan, Thursday, March 12th, at 11.30 o'clock.

*Donegal*—At Letterkenny, Wednesday, March 18th, at 11.30 o'clock.

*Louth*—At Dundalk, Monday, March 23rd, at 10.30 o'clock.

JUDGE—The Hon. Mr. Justice Murnaghan.

## EXAMINATION PAPERS, 1941.

A pamphlet containing copies of the papers set at all the examinations held by the Society in 1941, can be obtained in the Secretary's Office, price 2/-, post free.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

Vol. XXXV, No. 9]

MARCH, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

## CONTENTS.

|                                | PAGE |
|--------------------------------|------|
| Meeting of the Council         | 38   |
| Obituary                       | 38   |
| Easter Sittings, 1942          | 38   |
| Easter Sittings Lectures, 1942 | 38   |
| Results of Examinations        | 39   |
| Calendar, 1942                 | 39   |
| Examination Papers, 1941       | 39   |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 9]

MARCH, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETING OF THE COUNCIL.

26th February.

Fifteen members present.

### Court of Examiners.

The Report of the Court of Examiners on the results of the "First" and "Second" Irish Examinations was submitted and adopted.

The following resolution was passed and it was directed that a copy be forwarded to the Secretary, Department of Education:—

"The Council requests the Department of Education to make available at a reasonable price to the public a Glossary of legal and other technical terms in Irish as used in the Acts of the Oireachtas, and other official publications, the want of which is felt by the legal profession."

### OBITUARY

MR. FRANCIS J. ANDERSON, Solicitor, died on 9th February, 1942, at Armagh.

Mr. Anderson served his apprenticeship to the late Mr. Samuel H. Monroe, Armagh, was admitted in Hilary Sittings, 1895, and practised in Armagh up to the year 1936, when he retired.

Mr. Anderson was Crown Solicitor for Armagh from the year 1918 to the year 1928,

MR. THOMAS F. FIGGIS, Solicitor, died on 20th February, 1942, at his residence, "Enderly," Dundrum, Co. Dublin.

Mr. Figgis served his apprenticeship to the late Mr. Arthur L. Barlee, Dublin, was admitted in Trinity Sittings, 1896, and practised at 63 Dawson Street, Dublin, under the style of A. D. Kennedy and Figgis.

MR. WILLIAM J. VERLIN, Solicitor, died on 26th February, 1942, at Ardrath, Youghal.

Mr. Verlin was admitted a Solicitor in Hilary Term, 1874, and practised at Youghal up to the year 1922, when he retired.

### EASTER SITTINGS, 1942.

High Court Easter Sittings begin on Monday, the thirteenth day of April.

### EASTER SITTINGS LECTURES, 1942.

The Junior Class lectures begin on Monday, the thirteenth day of April, at 2.15 p.m. The Senior Class lectures begin on Tuesday, the fourteenth day of April, at 2.15 p.m.

**RESULTS OF EXAMINATIONS.**

At examinations held on 6th and 7th February, under the Legal Practitioners' (Qualification) Act, 1929, the following candidates passed the examinations:—

**“First” Examination in Irish.**

Patrick Bergin.  
John Butler.  
Philomena Callanan.  
Maurice L. P. Clifford.  
James P. Gilvarry.  
Patrick Golden.  
Michael L. Hessian.  
Jeremiah Higgins.  
Henry Lynch.  
William T. Mahony.  
Leslie Mellon.  
Patrick J. Noonan.  
William M. Noyk.  
William F. O'Connor.  
Bernard P. D. O'Kelly.  
William F. M. J. Semple.  
Joseph D. Simon.  
John D. Stokes.  
Patrick Woulfe, B.A., N.U.I.

Twenty-five candidates attended; nineteen passed; - six failed.

**“Second” Examination in Irish.**

Terence B. Adams.  
Liam D. Boyd.  
John R. P. Colfer.  
Gerard M. Doyle.  
George M. Hegarty.  
William Hoyne.

Adeline G. J. Hyland.  
William R. A. Keller.  
Mary J. MacClancy.  
Roderick B. McConnell.  
Diarmuid M. Murphy.  
Eileen Neilan.  
Michael Nolan (junr.)  
Brendan P. O'Byrne.  
Sean D. O'Conghaile.  
Mary A. O'Connor.  
Meadhbh Ni Uadhaigh.  
Eileen O'Reilly.  
Michael J. F. Power.  
Raphael D. Seligman.  
Henry M. Sheehy.

Thirty-one candidates attended; twenty-one passed and ten failed.

**CALENDAR, 1942.**

The Calendar of the Society for 1942 can be obtained in the Secretary's Office, price 5/-, by post 5/6.

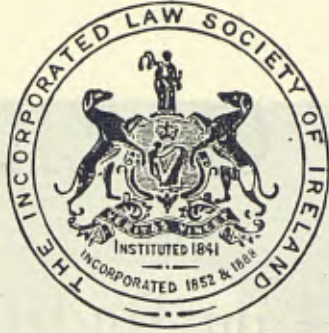
**EXAMINATION PAPERS, 1941.**

A pamphlet containing copies of the papers set at all the examinations held by the Society in 1941, can be obtained in the Secretary's Office, price 2/- post free.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.







# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

Vol. XXXV, No. 10]

APRIL, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

## CONTENTS.

|                                    | PAGE  |
|------------------------------------|-------|
| Death of Mr. Wakely                | 42-45 |
| Funeral                            | 45    |
| Special Meeting of the Council     | 45-47 |
| Acknowledgment                     | 47    |
| Meeting of the Council             | 47    |
| Obituary                           | 47-48 |
| Appointment                        | 48    |
| Law Society Centenary Annuity Fund | 48    |
| June Examinations, 1942            | 48    |
| Calendar, 1942                     | 48    |
| Charitable Bequests                | 48    |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXV, No. 10]

APRIL, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### DEATH OF MR. WAKELY

It is with feelings of deepest sorrow and regret that we announce the death of the beloved Secretary of our Society, William George Wakely, who died at his residence, "Elmhurst," Temple Gardens, Rathmines, on the 26th March, 1942.

Mr. Wakely was born on the 20th June, 1865, at Dublin. He was the third son of John Wakely, M.A., J.P., D.L., High Sheriff, 1853, of Ballyburley House, Edenderry, King's County (now Offaly) the family seat for nearly 500 years, and of Mary Catherine, daughter of Reverend Richard George, Rector of Kentstown, Co. Meath. He served his apprenticeship with Thomas Falls of Dublin, obtaining first place and silver medal at his final examination. He was admitted a Solicitor in Michaelmas Sittings, 1887. In the autumn of the following year he was appointed Secretary of the Incorporated Law Society.

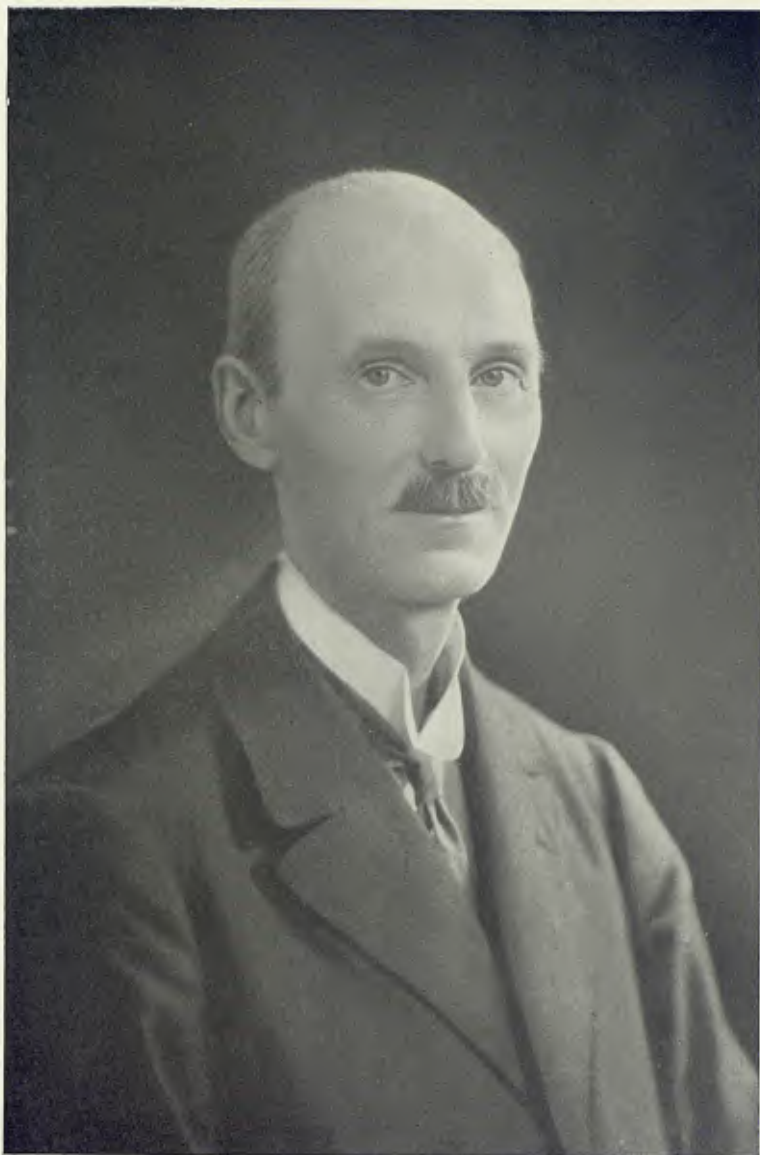
The history of the Society is his life story. When he was appointed Secretary, the Society was working under its Charters with very limited powers. The scope and influence of the Society were considerably extended during his term of Office, and largely as a result of his personality and efforts.

It is hard for the younger members of the

profession to realise how vastly matters have changed since 1889.

During the early years of his Secretaryship, the arrangements in the Courts and Court Offices were under review. These reforms included the removal of the Probate Office from Henrietta Street to the Four Courts and the codification of the rules of procedure in the Supreme Court. The Council succeeded in having a clause inserted in the Supreme Court of Judicature (Ireland) Act associating the Presidents for the time being of the Society with the Judges as the rule-making authority. During this first period the Council were actively engaged for some years in drafting a Bill governing the profession which ultimately became law as the Solicitors (Ireland) Act, 1898. This entailed considerable work and anxious thought on the part of the Secretary, necessitating several visits to London, interviews with members of the House of Commons, and with the Law Officers of the crown. Ultimately, however, the Act was passed in the form approved by the Council.

From the date of the passing of these Acts up to the outbreak of the Great War the history of the Society was not marked by any feature now of special interest.



WILLIAM GEORGE WAKELY

BORN 20th JUNE, 1865.      DIED 26th MARCH, 1942.

SECRETARY, INCORPORATED LAW SOCIETY, 1888—1942.



[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a list or a series of entries, possibly names and dates, but the characters are too light to transcribe accurately.]

The severe dislocation of business on the outbreak of the Great War led to much anxiety on the part of the Council. It was hoped that on the termination of the war the common round of legal activities would be resumed, but a few short years afterwards, the Four Courts were destroyed, including the Solicitors' Buildings, with the consequent temporary removal of the Society to offices in Kildare Street. With the establishment of the Irish Free State, legislation in the Oireachtas has engaged the continuous attention of the Council. In 1929 the Legal Practitioners (Qualification) Act was passed with some considerable modifications obtained as a result of the Council's efforts. Then, followed the reconstruction of the Four Courts, including the re-building of the Solicitors' Buildings, in all of which matters the Secretary took a most active part. Finally in the year 1938, the Council took up the matter of a new Bill for the regulations of the profession, and this Bill, now nearly in its final form, is still receiving the attention of the Council. The part played by Mr. Wakely in the history of the profession during the past fifty years was always unobtrusive, but his influence was deep, widespread and lasting. During his term of office the Findlater and Overend Scholarships were founded and the Government began contributing a yearly sum to the Society in aid of the expenditure incurred by the Statutory Committee.

The destruction of the Solicitors' Buildings in 1922 had occasioned the loss of the portraits of over fifty Past Presidents which formerly adorned the hall. Mr. Wakely succeeded in procuring replicas of every one of them, a remarkable feat when it is considered that the first President held office in the year 1842.

Last year was the 100th Anniversary of the foundation of the Society. The Council decided that owing to the circumstances at present existing, it would not have any formal celebration. Mr. Wakely was determined to mark the occasion and, along with the President, Ex-President, and Vice-Presidents, arranged a gathering in the Council Chamber. The Chief Justice attended and congratulated the Society on the commemoration of its centenary.

It is impossible for one intimately associ-

ated with Mr. Wakely to speak of him except in terms which might appear exaggerated praise to an outsider, but it is the simple truth to say that he was loved, not only by every member of the Council, but by all the members of the profession. Indeed, this esteem and affection which he inspired so universally was remarkable and can only be explained on the ground that each one saw in Mr. Wakely a living example of those virtues which we all prize most highly. The affection extended to Mr. Wakely by the profession and the deep appreciation of his work and devotion to duty was shown by the handsome presentations made to him on the completion of his fortieth year of office, and again, on the occasion of his fiftieth year as Secretary.

The President and the Press have paid their tributes to his character, and they are reproduced elsewhere in this issue. We would like to supplement them. As the resolution passed by the Council truly states he was in all respects a truly great-hearted Christian gentleman and possessed himself all the Christian virtues. He was most courteous and kind in his dealings with all, and regarded everyone with whom he came in contact primarily as a human being, no matter what his station in life.

Needless to say, he was the perfect Secretary. It is unrecorded that at any time there was any difference of opinion between himself and the Council, nor is it known that his judgment was ever called in question. His only fault, if fault it can be called, was a certain diffidence which restrained him from putting forward his views unless when called on. His views were always sound and were almost always adopted in toto. His methods were always persuasive. He voiced his opinions quietly and unaggressively, but it was extraordinary how often a mere suggestion from him would reconcile opposing views and procure a unanimous opinion from the Council on controversial issues.

The Council of Northern Ireland had the benefit of his advice and guidance when their Society was first set up in Northern Ireland and they are glad to acknowledge how useful his advice was and how glad they were to have it.



He was a great friend of the apprentices. He seemed to understand them and fought their battles before the Council and nearly always with success. On one occasion he went so far as to give an undertaking to the Council on their behalf; and he was proud to record his faith in them was fully justified.

His record as Secretary, in such a responsible position, must be unique. He had served over fifty-three years, so that the hundred years' existence of the Society is spanned by three Secretaries: Edward Iles, 1841-1864; John Hawksley Goddard, 1864-1888; William George Wakely, 1888-1942.

A deeply religious man, he took a great interest in charitable and philanthropic work of various kinds. He was a member of the Church of Ireland and served on the general Synod, and the Dublin Synod, and for a very considerable time was a diocesan nominator. He was a trustee and a metropolitan director of the Solicitors' Benevolent Association, and served for many years on the boards of the Molyneux Asylum (Leeson Park), of the Mageogh Home and also of the King's Hospital. He was a life governor of the Royal Hospital for Incurables.

In private life, he was very devoted to his wife and family. His wife, Elinor, daughter of Charles Thompson of Dublin, died in 1933, and her death and that of his daughter, Mrs. Rathborne, which occurred very shortly prior, were to him grievous blows. He is survived by his son, His Honour Ion G. Wakely (Colonial Service) and two daughters, Mrs. Caldbeck and Mrs. Johnson.

Every member of the profession feels he has lost a dear friend. As the President said, he left no enemies behind him. To the Council his loss is irreparable.

To the members of the family, the Council, in its resolution, tenders its sincere and most heart-felt sympathy.

We quote the following extract from the "Irish Times" of 27th March, 1942:

"We regret to announce the death, which took place at his residence, Temple Gardens, Rathmines, yesterday, of Mr. William George Wakely, Secretary of the Incorporated

Law Society of Ireland. Son of the late John Wakely, D.L., and brother of Judge Wakely, he qualified as a Solicitor in 1887, and shortly afterwards, at the early age of twenty-three, was appointed Secretary of the Incorporated Law Society of Ireland, a post he held for fifty-four years until his death. A man of frail physique and retiring disposition, it was wonderful that for so long he carried with such distinction so onerous a duty; but, as two generations of solicitors have proclaimed, there was no man more untiring or unselfish in his devotion to his work. He had out of his ripe experience a remarkable knowledge of the rules, regulations and conditions of the Solicitors' profession and on all matters was a walking encyclopaedia; never having to refer to a text or other reference book for any point on which he was consulted. The calls on him in this regard were many, and he acted as Counsellor, guide and friend for all who sought his advice. Apart from the Incorporated Law Society, he took a keen and active interest in the Solicitors' Benevolent Fund, and never missed a Meeting or neglected an opportunity to further its interests.

Mr. Wakely had seen the destruction of his office in the Four Courts, but here again he had sensed such a happening and had arranged for the removal of all his precious records to a place of safety, so that he was able to carry on the affairs of the Society without interruption. As more than one occupant of the office of President of the Incorporated Law Society stated in his Annual Report, they could never have managed without William George Wakely. His death will mean a heavy loss to the Society and to all its members. The warm regard in which he was held was demonstrated in practical manner, when on the occasion of his jubilee in the profession every Solicitor throughout the length and breadth of Ireland was associated with the presentation. He had seen the setting-up of two States in Ireland, and had given his advice, freely taken, in the setting up of the Solicitors' Society in Northern Ireland. There, as in the rest of the Country, he counted many warm friends. The deepest sympathy will go out to his daughters and son in the bereavement.



We take the following from the "Irish Law Times and Solicitors' Journal" of 4th April, 1942:—

" . . . . . Soon afterwards, at the early age of 23 years, he was appointed to the important Office which he held with such conspicuous success. Although Mr. Wakely had attained great years, his death came as a shock to all who knew, admired, and respected him, and it is truly felt that the Solicitors' Profession in Ireland has lost a sage counsellor and friend. Their sympathy will go out, with that of Mr. Wakely's innumerable friends, to all who are so sadly bereaved. Among others too, who regret Mr. Wakely's passing are those, who through the IRISH LAW TIMES AND SOLICITORS' JOURNAL, serve the legal profession in Ireland. To them also, he was always available with ready, wise, and friendly help and advice given out of the ripe experience of long and honoured service, and valued accordingly. In particular, the Society Mr. Wakely served so long and so well will miss him and mourn his loss . . . . ."

### FUNERAL.

The funeral took place on Monday, 30th March, from Christ Church, Leeson Park, to Mount Jerome. The Archbishop of Dublin, Most Rev. Dr. Barton, the Rev. N. H. Hamilton, the Rev. R. B. Stewart and the Rev. J. W. Murray officiated. There was a large attendance at the funeral, including the President of the Incorporated Law Society of Ireland, and the President of the Incorporated Law Society of Northern Ireland wearing their chains of office, the Secretary of the Incorporated Law Society of Northern Ireland, the Chief Justice, Judge Hanna, the Rt. Rev. A. E. Hughes, D.D., Bishop of Kilmore, formerly Rector of Christ Church, Leeson Park, the leading solicitors of Dublin, representatives of the Dublin and Provincial Bar Associations, The Solicitors' Apprentices Debating Society and

the general public.—The members of the Council walked in procession behind the hearse.

There were many beautiful floral tributes; from the Incorporated Law Society of Ireland "*in memory of our devoted Secretary, a faithful servant, a wise adviser, and the beloved friend of every member of the profession*"; from the Incorporated Law Society of Northern Ireland "*in affectionate memory of an esteemed friend*"; the General Council of Provincial Solicitors, Limerick Bar Association, Provincial Solicitors' Association, Carlow Sessional Bar Association, County Kerry Law Society and The Solicitors' Apprentices Debating Society.

### SPECIAL MEETING OF THE COUNCIL.

A Special Meeting of the Council of the Incorporated Law Society was held on the 30th March, 1942, to pass a vote of condolence with his family on the lamented death of its Secretary.

Although there was a large attendance of members, including the President of the Incorporated Law Society of Northern Ireland, Mr. Archer, a number of members were prevented by distance or ill-health from being present in person, and in every case messages of sympathy and regret for their inability to attend were received by telegram, telephone or letter.

In moving a resolution of sympathy, the President (Mr. G. Acheson Overend) said that the Council had met that day under the shadow of a great personal loss in the departure of their true friend and beloved Secretary, Mr. W. G. Wakely. Mr. Wakely had been present in good health at the Council Meeting on the 19th March, but on the morning of Sunday, the 22nd March, when preparing to go to Church, he had accidentally fallen. Although the fall was a severe one no bones were broken and it was hoped at first that he would survive the shock. He had strained his shoulder badly in the fall and had been in great pain throughout Sunday and Monday but on Tuesday morning no other symptoms of any kind had developed, and his

heart appeared to be standing the strain well. Unfortunately, on Tuesday afternoon, he had a bad heart attack, and in spite of everything that the Doctors could do he died early on the afternoon of Thursday, the 26th March.

The President said it was difficult to find words to express his own feelings, feelings which he knew were shared by every member of the Profession. From the first moment that he had come in contact with the Secretary as an apprentice he had received nothing but the greatest courtesy, kindness and help on the many occasions that he had consulted Mr. Wakely. He knew that all his friends had the like experience. It was indeed one of Mr. Wakely's outstanding characteristics that he had treated everyone in the Profession from the oldest member to the youngest apprentice in the same way. Of few men could it be said with greater assurance that he had left not a single enemy behind him. Throughout his long life he had never done anything of which he had reason to be ashamed or to regret, and his sole thought had been the good of the Profession as a whole.

A remarkable feature of Mr. Wakely's character was his youthful outlook which made him ready to sympathise at all times with the apprentices who had no stauncher advocate at the Council Meetings than Mr. Wakely.

Various members of the Council had suggested to him on different occasions in recent years that the Council would be only too ready to appoint an assistant as they felt that with advancing years the onerous duties might, on occasions, be too much for him, and they were desirous of retaining his services as Secretary to the very last. It was characteristic of him that he refused the offer of an assistant on the ground that to accept it would not be in the best interest of the Society. Such appointment, he felt, might limit the choice of the Council in appointing a suitable successor when his time came to resign. He had talked about retiring, as soon as the Solicitors' Bill, now in draft, was on the Statute Book and expressed the view that this would be a fitting climax to his career as Secretary. Unfortunately, this was not to be, and he has not been spared to see

the Bill in which he was so much interested pass into law. He had a fund of knowledge on all matters connected with the Solicitors' Profession, and of every individual member thereof; the Profession would no longer be able to have the benefit of his unrivalled experience.

The President mentioned that every member of the Council was present either in person or had sent an apology and that even Solicitors from the extreme corners of Ireland, North, South, East and West, had come at great personal inconvenience to pay their last tribute to the Secretary. The President of the Incorporated Law Society of Northern Ireland and the Secretary of the Council there were both present at the funeral and he was sure their own Council appreciated very much this tangible evidence of the sympathy of their brethren in the North.

Mr. W. S. Hayes, the father of the Council, in endorsing the President's remarks, said that no words could do full justice to the exceptional qualities of their late Secretary.

The following resolution was then put to the Meeting and passed unanimously in silence, all members standing:—

“The Council has learned with feelings of the deepest sorrow and regret of the sad death of its esteemed Secretary, Mr. W. G. Wakely and tender to all the members of his family its deepest and most heartfelt sympathy in their great loss.”

The Council feels that it is only fitting it should attempt to express in words, however feeble, its unbounded admiration for its late Secretary. He had been Secretary for over 50 years and it was largely due to his unusual gifts that the Society had attained its present high position in the regard of the public. His undoubted abilities, his unflinching tact, his courtesy and his kindly disposition endeared him to every one who had the privilege of coming in contact with him. These qualities he showed in equal degree to the youngest apprentice and to the oldest practitioner, and each alike felt that in him they had a true friend and a wise counsellor.



During all his long service as Secretary his one and only thought was how he could best promote the interests of the Society; no trouble was too great for him to take to this end and President after President learned to rely on his ripe experience and sound judgment in the many problems which confronted them. Whatever President came or went, so long as Mr. W. G. Wakely was at the helm, the Society could feel sure that its course would be steered aright and the many shoals and storms that must arise would be safely negotiated. It is with feelings akin to dismay that the members of the Council face the prospect of having to conduct the affairs of the Society without the assistance of their late Secretary.

To each member of the Council he was a personal friend and with the passing of this truly great-hearted Christian gentleman each member feels the poorer. It is no exaggeration to say that he was loved by every member of the profession."

Passed unanimously, 30th May, 1942.

(Signed) G. A. OVEREND,  
President.

#### ACKNOWLEDGMENT.

His Honor Ion G. Wakely, Mrs. Caldbeck, and Mrs. Johnson, desire to return their sincere thanks to the Council of the Incorporated Law Society of Ireland, the President and Council Northern Ireland Law Society, the members of the Dublin Bar Association and Carlow Sessional Bar Association, the members of the Solicitors' Apprentices Debating Society, the County Kerry Law Society, The General Council Provincial Solicitors, The Provincial Solicitors' Association, The Limerick Bar Association, and the Solicitors generally, for the deep sympathy extended to them upon the death of their beloved father, Mr. W. G. Wakely, which they greatly appreciate. They also wish to return grateful thanks for all the beautiful floral tributes.

April, 1942.

#### MEETING OF THE COUNCIL.

19th March.

Twenty-six members present.

#### OBITUARY.

##### THE LATE MR. J. R. BRENNAN.

MR. JOHN R. BRENNAN, Solicitor, died on the 28th February, 1942, at his residence, "Glena," Wexford:

Mr. Brennan, along with his wife, lost his life most tragically in a fire, which destroyed their residence. Mr. Brennan served his apprenticeship with the late Mr. Thomas Huggard, Tralee, obtaining second place and a silver medal at his final examination, and was admitted a Solicitor in Trinity Sittings, 1900, and practised as senior partner in the firm of Huggard, Brennan & Godfrey, in Wexford. He became a member of the Council in the year 1929 and filled the Office of Vice-President in the year 1938-39. He gave valuable assistance in the work of the Council and was very effective in debate. He had a most genial manner and was held in high regard by his colleagues.

At its Meeting on the 19th March, the Council passed the following Resolution:—

"The Council of the Incorporated Law Society of Ireland has learned with feelings of deepest sorrow and regret of the tragic deaths of our beloved colleague, Mr. John R. Brennan and his wife. The Council desires to express to the bereaved family, its most sincere and heartfelt sympathy with them in their great loss and to pay its tribute to the memory of a fine Solicitor and great gentleman."

The President was represented at the funeral and the Council sent a wreath.

MR. GERARD N. REDDIN, Solicitor, a brother of District Justice Reddin, died on 10th March, 1942, in Dublin.

Mr. Reddin served his apprenticeship to Mr. Patrick J. Brady, Dublin, was admitted in Michaelmas Sittings, 1917, and practised at 16 Westmoreland Street, Dublin.



MR. WILLIAM D. SAINSBURY, Solicitor, died on 17th March, 1942, at his residence, 10 Vergemount Park, Clonskeagh, Dublin.

Mr. Sainsbury served his apprenticeship to the late Mr. R. J. K. St. George, Dublin, was admitted in Michaelmas Sittings, 1895, and practised at 4 St. Andrew Street, Dublin, under the style of Sainsbury & Co. up to the year 1939, when he retired.

MR. DANIEL J. MCGRATH, Solicitor, died on 18th March, 1942, in Chicago, U.S.A.

Mr. McGrath served his apprenticeship to the late Mr. John J. McDonald, Dublin, was admitted in Trinity Sittings, 1910, and practised in Dublin and Callan. He was Consul in New York in 1921-22 and was Consul in Chicago since 1933.

MR. ROBERT H. MORRIS, Solicitor, died at his residence, 20 Belgrave Road, Rathmines, Dublin, on 27th March, 1942.

Mr. Morris was admitted in Hilary Sittings, 1884, and practised at 30 Westland Row, Dublin.

#### APPOINTMENT.

Mr. Daniel P. O'Connor, Solicitor, Naas, Co. Kildare, has been appointed State Solicitor for the County Kildare in place of Mr. Ronald Brown, Solicitor, who has resigned. The appointment takes effect as on and from the 1st April, 1942.

#### LAW SOCIETY CENTENARY ANNUITY FUND.

The total amount received up to 25th February, 1942, including Bank Interest, and The Incorporated Law Society's opening contribution of two hundred guineas, is £1,387 6s. 11d.

The total number of subscribers to 25th February, 1942, is now 251.

Subscriptions have been received from the following since the publication of the list in the Gazette of January last.

Glass, C. M.  
Kirwan, Valentine, E.  
Robinson, Archibald.

#### JUNE EXAMINATIONS, 1942.

An Intermediate Examination will be held on Tuesday, 2nd June. Notice of intention to attend to be lodged before 12th May.

First and Second Irish Examinations will be held on Friday and Saturday, the 5th and 6th days of June. Notice of intention to attend to be lodged before 15th May.

#### CALENDAR, 1942.

The Calendar of the Society for 1942 can be obtained in the Secretary's Office, price five shillings; by post, five shillings and sixpence.

#### CHARITABLE BEQUESTS.

The following is a copy of a letter dated 2nd April, 1942, received from the Commissioners of Charitable Donations and Bequests for Ireland.

"The Secretary,  
Incorporated Law Society,  
Four Courts, Dublin.

Dear Sir,

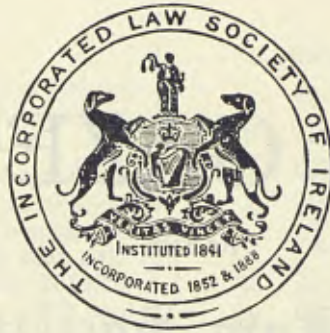
I am to inform you that my Board at their last meeting considered the question of the high cost of publication of Notices of charitable bequests in Newspapers and they made the following Order, a copy of which they directed me to send to you:—

"that in every case in which the total amount of the charitable devises and bequests contained in a will does not exceed £500, the Commissioners will, in the future, having regard to the high cost of publication, be prepared to give favourable consideration to any application that may be made on behalf of the Executor or Administrator, as the case may be, to be exempted, either wholly or partially, from the obligation to publish the Statutory Notice."

Yours faithfully,

(signed) D. Smith,  
Secretary

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

---

Vol. XXXVI, No. 1]

MAY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

---

## CONTENTS.

~~~~~

	PAGE
Meeting of the Council	2
The late Mr. W. G. Wakely	2
Secretaryship	2
New Secretary	2
Obituary	3
Examinations Results	3

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 1]

MAY, 1942

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL.

16th April, 1942.

Twenty-seven members present.

The late Mr. W. G. Wakely.

A letter from the family of the late Mr. W. G. Wakely, acknowledging sympathy and floral tribute from the Council, was read. A letter from the Right Hon. Sir Thomas F. Molony, Bart., late Lord Chief Justice of Ireland, expressing sympathy and appreciation of our late Secretary was also read.

The appointment of a Secretary to the Society was considered and it was referred to a Special Committee to advertise the vacancy and deal with applications and report to the next meeting of the Council.

SECRETARYSHIP.

An advertisement appeared in various newspapers in Dublin, Belfast and Cork, asking for applications for the vacant post of Secretary to the Society, replies to be received by the 30th April, 1942.

NEW SECRETARY.

At its meeting on the 14th May the Council had before it the report of the Special

Committee and appointed Mr. Eric A. J. Plunkett, B.A., to be the new Secretary. Mr. Plunkett was educated at Belvedere and Clongowes Wood Colleges and served his apprenticeship with the late Mr. John J. McDonald and was admitted a Solicitor in Easter Sittings 1932. He continued to practise with Mr. McDonald's firm at 116 Grafton Street after he was qualified.

He is a first-class Honoursman and Exhibitioner of the National University of Ireland and obtained second place in the Legal and Political Science Group at the B.A. Examination held in the Autumn of 1930. He obtained First Place in the Society's Intermediate Examination for Solicitors' Apprentices in 1929 and Second Place with Silver Medal in the Final Examination in October 1931. He was Auditor of the Solicitors' Apprentices' Debating Society in 1930-31 and was awarded a Gold Medal for Impromptu Speaking, Silver Medal for Legal Debate and Special Certificate for Oratory in the 1929-30 Session.

Mr. Plunkett will take up his new duties as Secretary on 1st June.

He received a hearty welcome at the Half-Yearly General Meeting of the Society held on the 15th May.

OBITUARY.

MR. EDWARD D. MACLAUGHLIN, Solicitor, died on 2nd April, 1942, at his residence, 11 Raglan Road, Dublin.

Mr. MacLaughlin was admitted a Solicitor in Hilary Sittings, 1881, and practised under the style of Thompson & MacLaughlin at 3 Suffolk Street, Dublin, up to the year 1907. He was appointed Sessional Crown Solicitor for Queen's County in the year 1886, and Crown Solicitor for the same County in the year 1890. Mr. MacLaughlin was appointed Chief Clerk to the Lord Chancellor of Ireland in the year 1907, and after that office was abolished he was Chief Clerk to the Chief Justice up to the year 1926, when he retired.

Mr. MacLaughlin held the office of President of the Incorporated Law Society in the year 1904-05.

MR. WILLIAM F. HEARN, Solicitor, died on 6th April, 1942, at his residence, Bellvue, New Ross.

Mr. Hearn was admitted a Solicitor in Michaelmas Sittings, 1885, and practised at New Ross up to the year 1925, when he retired.

EXAMINATIONS RESULTS.

At the Preliminary Examination for intending apprentices to Solicitors, held on the 8th and 9th April, the following passed the examination and their names are arranged in order of merit :—

1. Moya Dixon.
2. Walter Rhatigan.

Seven candidates attended, two passed, five failed.

At the Final Examination for apprentices to Solicitors, held on the 1st and 2nd April, the following passed the examination and their names are arranged in order of merit :—

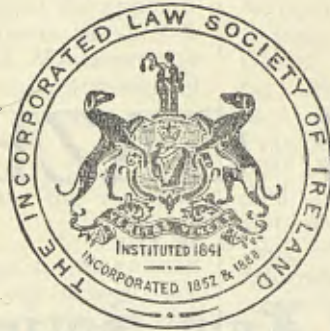
1. James A. Casey.
2. Edward J. Durnin.
3. Michael Nolan, Junr.

4. Samuel V. Crawford, B.A.T.C.D.
5. Thomas A. Moylan.
6. Thomas D. Noonan.
7. Edward W. Healy, B.A.N.U.I.
8. Mary W. E. Thornton.
9. Gerard C. Byrne.
10. Thomas Reilly.
11. Hugh A. Ludlow.
12. Patrick J. V. Sweeney.
13. Gabriel Warde.
14. Patrick P. O'Sullivan, B.A.N.U.I.
15. Michael B. O'Malley. } Equal
James B. Joyce.
17. Laurence Walsh.
18. Patrick McEntee, Junr.
19. Francis R. Tully.
20. Synge Millington.
21. James L. Byrne.
22. George T. Eason, B.A.T.C.D.
23. Patrick A. Roche.
24. James Barry.
25. Eileen M. M. Forde.
26. Eugene Shine.
27. Edward C. Cooke.
28. Nicholas G. Proud.
29. John F. Donovan.
30. James A. Neilan.

Thirty-nine candidates attended; thirty passed; nine failed.

The Council awarded a Silver Medal to James A. Casey and Special Certificates to Edward J. Durnin, Michael Nolan, Junr., and Samuel V. Crawford, B.A.T.C.D.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 2]

JUNE, 1942

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

~~~~~

|                                          | PAGE |
|------------------------------------------|------|
| Half-Yearly General Meeting .....        | 6    |
| Obituary .....                           | 8    |
| Law Society Centenary Annuity Fund ..... | 8    |



# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXVI, No. 2]

JUNE, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### HALF-YEARLY GENERAL MEETING.

A Half-yearly General Meeting of the Society was held on Friday the 15th May, 1942, in the Solicitors' Buildings, Four Courts, Dublin, the President, Mr. G. Acheson Overend, in the chair. The following members were also present:—

H. St. J. Blake, P. R. Boyd, W. Gordon Bradley, E. F. Collins, A. C. Cox, W. S. Hayes, W. S. Huggard, M. G. R. Lardner, R. A. Macauley, H. P. Mayne, W. J. Norman, Danl. O'Connell, L. E. O'Dea, Sean OhUadhaigh, P. F. O'Reilly, Thos. G. Quirke, C. G. Stapleton, Ivan Howe, J. T. Hamerton, Denzil O'Donnell, W. J. Keery, H. W. McCormick, J. P. L. Murphy, D. D. McDonald, R. N. Keller, W. Boyle Fawsitt, Jas. Fagan, R. Mc. C. Blakeney, D. B. Gilmore, C. G. Vanston, D. Dowling, E. J. Kenny, S. Hayes, T. J. Kenny, G. E. Grave White, C. T. Blair White, G. G. Overend, H. E. Woulfe Flanagan, T. H. R. Craig, A. Joyce, A. Marshall, A. E. Walker, C. H. Maidment, D. Moran, Raymond G. Kenny, James J. Hickey, C. Gore Grimes, T. O'Reilly, J. H. Gorman, John Murtagh, R. P. Humphries and Wm. Walsh.

The Secretary read the notice convening the meeting and the minutes of the half-yearly General Meeting held on the 26th November, 1941, the latter of which were signed by the President.

On the motion of Mr. T. G. Quirke, seconded by Mr. W. S. Hayes the following resolution was unanimously adopted:—

“That this General Meeting of the Incorporated Law Society begs to tender to the members of the family of the late Mr. W. G. Wakely its sincerest sympathy in their bereavement. The Profession learnt of his death with the deepest sorrow and regret. The meeting wishes to associate itself with and to adopt the resolution of sympathy passed by the Council, which it feels, does nothing more than justice to the memory of its great Secretary.”

The President nominated the following members to be scrutineers of ballot for the election of the Council to be held on Monday 23rd November next:—Messrs. John R. McC. Blakeney, Desmond J. Collins, Thomas Jackson, Hugh G. Sweetman, and Roderick J. Tierney.

On the motion of Mr. Mayne, seconded by Mr. O'Dea the following resolution was unanimously adopted:—

“That Mr. A. E. Prentice, Mr. P. Glynn and Mr. E. J. O'Brien be appointed auditors of the Society's accounts for the year ending 30th April, 1942.”

On the motion of Mr. Cox, seconded by Mr. Blake it was resolved that the appointment by the Council of Messrs. Kevans & Sons, Auditors, of 1, 2, 3, Westmoreland Street, Dublin, as professional auditors of the Society's accounts for the year ending 30th April, 1942, be approved.

The President, addressing the meeting, said :—

Gentlemen—Since our last meeting death has dealt very heavily with our Society. We have lost our beloved Secretary who, for over a half century gave of his very best to the interests of our Society. You will have seen from our Gazette some of the tributes that were paid to him, and since the Gazette appeared further resolutions of sympathy and letters of condolence have come in from country Bar Associations and from many other sources. These tributes were more than deserved. No man could have striven harder for the good of the Society or with such outstanding success and it is given to few to make so many friends. It may be said of him that he stood in "*loco parentis*" to every solicitor and every solicitor's apprentice in the country. To know him was to love him and respect him, and we shall sadly miss him from our meetings. Every President regarded him in times of difficulty and distress as the one man whose unerring judgment could be implicitly relied on, and whose tact and courtesy and patience were unfailing. We shall not look upon his like again.

We have also lost during the year a past President in the person of Mr. Edward D. MacLaughlin, who died on the 2nd April, 1942, in Dublin. Mr. MacLaughlin held the office of President in the year 1904/5, and was latter appointed, Chief Clerk to the Lord Chancellor in 1907, and after that office was abolished he was Chief Clerk to the Chief Justice up to the year 1926, when he retired.

We have also lost under tragic circumstances John Brennan, a past Vice-President of this Council—a very valued member and a man of the highest integrity. Amongst those who are no longer with us, and whose loss we deplore, are the following :—

James G. Franks, Solicitor, died 2nd November, 1941; Patrick J. Kavanagh (Senior), Solicitor, died 3rd November, 1941; George Green, Solicitor, died 15th November, 1941; Daniel McLoughlin, Solicitor, died 17th November, 1941; Thomas W. Franks, Solicitor, died 18th November, 1941; William J. McClenaghan, Solicitor, died 14th December, 1941; C. Rupert Robinson, Solicitor, died 21st December, 1941; Edward Leahy, Solicitor, died 31st December, 1941; J. Cecil B. O'Dowd, Solicitor, died 4th January, 1942; Edward Phelan, Solicitor, died 10th January, 1942; Patrick O'Connor, Solicitor, died 12th January, 1942; Attwell H. Allen, died 14th January, 1942; Francis J. Anderson, Solicitor, died 9th February, 1942; Thomas F. Figgis, Solicitor, died 20th February, 1942; William J. Verlin, Solicitor, died 26th February, 1942; John Brennan, Solicitor, died 28th February, 1942; George Nicholls, late County Registrar, Galway, died 11th May, 1942.

The Council at its meeting yesterday appointed Mr. Eric A. Plunkett to be our new Secretary, and I would like on behalf of the Society as a whole to extend a warm welcome to him. He will have an unenviable task in following as Secretary in the steps of such an outstanding personality as Mr. Wakely, but I have no doubt he will worthily uphold the great tradition of his office.

It will be within your recollection that at a special General Meeting of the Law Society held in September of last year the draft of the Solicitors' Bill was referred to a special Joint Committee composed of some members of the Council and representatives of the different Sessional Bar Associations throughout Éire, and it was understood that all suggested amendments would be sent to the Joint Committee for consideration. The various Sessional Bar Associations were asked to send in their views in advance. Numerous suggestions and suggested amendments were received, and early this year the Joint Committee held a prolonged sitting, at which something like 90 to 100 amendments were considered and dealt with. In the vast majority of cases the Joint Committee was



unanimous in its view, and in any other case the voting showed a large majority for or against the amendments, as the case might be. Mr. Wakely then submitted the papers to Counsel to revise the draft of the Bill in the light of the Joint Committee's work, and he had had three consultations with Counsel prior to his death. Since then two further consultations have been held with Counsel. The Bill, as revised by them, will come before a fresh meeting of the Joint Committee to-morrow for further approval.

I have every hope that it will be possible to summon a further special meeting of the Society in the early autumn to finally approve the Bill as so revised.

There is one matter to which I think I should refer at this meeting, and that is, there are still a very large number of Solicitors who have not become members of the Incorporated Law Society. It is difficult to understand this attitude. Surely it is not the very small annual subscription which deters Solicitors from joining. Is there any reason why Solicitors remain outside the ranks and refuse to become members of the Association which guards and protects their interests, and to whom they apply when they are in difficulty and trouble.

Another matter on which I would like to comment is the response to the Centenary Fund to commemorate our 100 years existence. You will hardly believe it when I tell you, the replies received show that out of nearly 1,400 Solicitors on the Roll, only 250 subscribed. This, I think, shows a lack of interest in our Society, and a disregard for its great history and traditions—which is, indeed, regrettable. The subscription list will close on the 30th May. As the funds collected will be applied for the benefit of the Solicitors' Benevolent Association, I appeal with confidence to those who have not yet subscribed to do so at once.

Otherwise, gentlemen, the half-year under review has not been marked by any matter of outstanding importance, though the Council's time has been fully occupied with the ordinary business affairs of the Society, which need constant attention, if all is to go well.

#### OBITUARY.

MR. GEORGE S. NICHOLLS, Solicitor, died on 11th May, 1942, at his residence, University Road, Galway.

Mr. Nicholls served his apprenticeship to the late Mr. John Gore, Dublin, was admitted in Trinity Sittings 1909, and practiced at Galway up to the year 1921. He was assistant Minister for Home Affairs in 1922 and 1923 and was Parliamentary Secretary to the Minister for Defence for two periods. He was Chairman of the Army Pensions Board until 1926 when he was appointed County Registrar for Galway. He retired in 1941.

#### LAW SOCIETY CENTENARY ANNUITY FUND.

The Subscription list to the above has now been closed. The total amount received up to 29th May, 1942, including Bank interest, and the Incorporated Law Society's opening contribution of two hundred guineas, is £1,392 11s. 11d. The total number of subscribers to the Fund is 255.

Subscriptions have been received from the following since the publication of the list in the Gazette of April last:—

Healy, A. M.  
O'Donnell, Denzil.  
Overend, G. G.  
Smyth, Patrick G.

---

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.





# THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 3]

JULY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

## CONTENTS.

|                                                | PAGE  |
|------------------------------------------------|-------|
| Meeting of the Council                         | 10    |
| Obituary                                       | 10    |
| New Members                                    | 11    |
| Letter from Assistant Registrar of Deeds       | 11    |
| Examination Results                            | 11-12 |
| Legal Practitioners' (Qualification) Act, 1929 | 12    |
| Solicitors' Golfing Society                    | 12    |
| Draft Solicitors' Bill                         | 12    |
| Admission of New Solicitors                    | 13-14 |

# THE GAZETTE

OF THE

## Incorporated Law Society of Ireland.

Vol. XXXVI, No. 3]

JULY, 1942

[ FOR CIRCULATION  
AMONGST MEMBERS

### MEETING OF THE COUNCIL.

16th July, 1942.

Twenty-two members present.

Reports from sub-committees were considered and rulings made thereon.

**The late Mr. William F. Aylward.**

The Council passed a vote of sympathy with the widow and relatives of the late Mr. William F. Aylward, who died on 1st July, 1942. Mr. Aylward entered the service of the Society in 1891, and recently retired on pension after almost fifty years faithful service.

### Pontifical High Mass

The President, representing the Society, was present at the Pontifical High Mass in the Pro-Cathedral Dublin, on 24th June to celebrate the Episcopal Jubilee of His Holiness Pius XII.

### OBITUARY.

**MR. RICHARD W. MACNEICE**, Solicitor, died on 3rd June, 1942, at his residence, Sidmonton, Novara Road, Bray.

Mr. MacNeice served his apprenticeship to the late Mr. Patrick H. Chance, Dublin, was admitted in Trinity Sittings, 1900, and practised as senior partner of the firm of R. W. MacNeice & Son at 12 Westmoreland Street, Dublin, up to the year 1939, when he retired.

**MR. ADAM LLOYD-BLOOD**, Solicitor, died on 12th June, 1942, at his residence, 1 Winton Road, Dublin.

Mr. Lloyd-Blood served his apprenticeship to the late Sir William Findlater, Dublin, was admitted in Trinity Sittings, 1883, and practised as senior partner in the firm of William Findlater & Co., 53 Dame Street, Dublin.

Mr. Lloyd-Blood was a member of the Council of the Society from 1906 to 1913 and was a Vice-President of the Society during the year 1909-10.

**MR. GEORGE P. MACLAUGHLIN**, Solicitor, died on 15th June, 1942, at Tullyglass, Ballymena.

Mr. MacLaughlin served his apprenticeship to the late Mr. Daniel MacLaughlin, Coleraine, was admitted in Trinity Sittings, 1919, and practised at Coleraine up to the year 1937, when he retired.

**MR. ERNEST S. LOWE**, Solicitor, died on 19th June, 1942, at his residence, The Gunyah, Zion Road, Rathgar, Dublin.

Mr. Lowe served his apprenticeship to the late Mr. Edward S. Lowe, Dublin, and practised at 65 Lower Gardiner Street, Dublin.

**MR. ARTHUR G. NIXON**, Solicitor, died on 29th June, 1942, at Seamount Nursing Home, Salthill, Galway.

Mr. Nixon served his apprenticeship with Mr. Gerald Maguire, Claremorris, Co. Mayo, was admitted in Easter Sittings, 1938, and practised at Ballinrobe.

**NEW MEMBERS.**

The following have joined the Society:—  
 John Bolton, 24 Clare Street.  
 L. K. Brannigan, Central Office, Four Courts.  
 John R. Colfer, New Ross.  
 Andrew F. M. O'C. Comyn, 27 College Green.  
 Daniel A. Creedon, Bantry.  
 Eamon J. Crowley, 3-4 Lr. O'Connell Street.  
 John C. Daly, 16 Sth. Frederick Street.  
 John F. Donovan, 19 Upr. Merrion Street.  
 David J. Farrell, 1 Clare Street.  
 Alexis J. FitzGerald, 16 Molesworth Street.  
 Raymond G. Hickey, 59 Dame Street.  
 Maurice W. Keller, Waterford.  
 Alexander Marshall, 119 St. Stephen's Green.  
 Declan P. A. Murphy, 20 St. Stephen's Green.  
 Joseph P. O'Connell, 4 South Great George's Street.  
 T. V. O'Connor, Swinford.  
 Charles J. Robinson, 86 Merrion Square.  
 Charles M. Ryan, 18 Lr. Baggot Street.  
 Raphael D. Seligman, 77 Dame Street.  
 Dermot M. F. Walsh, City Hall, Cork Hill.

**REGISTRY OF DEEDS.**

The following letter which has been received speaks for itself. The Council considers the suggestions therein worthy of adoption.

*"To The Secretary,  
 Incorporated Law Society,  
 Four Courts,  
 Dublin.*

*Dear Sir,*

*I would be grateful if you would bring before the Council of the above Society this letter as I would appreciate its views as to our legal position and, if the Council should so determine, its aid in mitigating what is, without doubt, a weakness in the present-day practice of the Registry of Deeds.*

*I have had complaints recently from several Solicitors that certified copies of Memorials registered in this office have been of no value to them as the habendum consisted simply of the words "TO HOLD as therein." In the absence of the Deed, which had been either lost or destroyed the Memorial was valueless. Some Solicitors go so far as to suggest to me that a complete copy of each Deed should be lodged as a Memorial.*

*By Act 2 and 3 William IV. C. 27. Sec. 29, it is enacted that 'only when a Memorial shall contain such particulars required by this Act to be set forth in the Abstract Book are found to be truly stated, shall a Deed be registered but not otherwise.' The Abstract Book in the same Act requires the "general nature of the Deed" to be entered but whether this would enable the Registrar to insist on a fuller habendum has never been decided or even considered.*

*I beg to draw attention to the danger at present existing of the destruction of Deeds and the necessity of providing against this by all and every means in our power. Here in the Registry we have fire-proof vaults and a very complete Air Raid Protection system and, to put the matter on its lowest grounds, it seems to be a waste of time and money if the Memorials we are at such pains to preserve prove to be valueless in the absence of the Deed.*

*I hope the Council will persuade the members of the profession to give favourable consideration to the suggestion that the habendum of a Deed as set out in the Memorial should be either a full copy, or, at least such an extract as would enable the tenure of the grantee to be fully determined from the Memorial.*

*Please explain to the Council that the Registry has no desire to dictate or even suggest to Solicitors how they should conduct their business. Our relations with the profession have always been on a very amicable basis and this suggestion is made with a desire to be even more helpful in case of emergency.*

*Yours faithfully,  
 SAMUEL S. WEIR,  
 Assistant Registrar."*

**EXAMINATIONS RESULTS.**

At the Intermediate Examination for apprentices to Solicitors held on the 2nd June, the following passed the examination:—

**Passed with Merit.**

1. Noel M. J. A. Purcell.
2. Philip E. McCourt.
3. Edward A. Kelly.
4. Thomas F. Millett.
5. James D. Kiernan.
6. John M. O'Farrell.
7. Arthur E. MacMahon.
8. Richard J. Hegarty.
9. Patrick J. O'Doherty.
10. David M. G. Slattery.



**Passed.**

James Binchy.  
 Cecil F. Braund.  
 Thomas K. FitzGibbon.  
 William J. C. Horan  
 Mary O'R. Huggard.  
 Daniel O'C. Miley  
 Tadh R. O'Braonain.  
 Michael G. O'Beirn  
 John C. O'Carroll.  
 Thomas P. O'Reilly.  
 Cecil E. Prentice.  
 John P. Rogan.

The following candidates will be required to sit for another examination in Book-keeping but will be exempt from any further examination in Theory or Practice:—

Michael P. O'B. Kelly.  
 Leslie S. Kettle.  
 Michael Morrissey.  
 Donal Reilly.

Thirty candidates attended; twenty-two passed; eight were postponed.

**LEGAL PRACTITIONERS' (QUALIFICATION) ACT, 1929.**

The following passed a "First" Examination in Irish under the above Act, held on the 5th June.

Michael J. Buggy.  
 Richard J. Crotty.  
 John J. Daly, (Junr.)  
 Moyá Dixon.  
 Basil W. H. Greene.  
 Oliver P. Morahan.  
 Josephine M. E. O'Keeffe.  
 Walter Rhatigan.  
 Denis M. Ronan.  
 Reginald G. H. Roper.  
 James P. D. Walsh.

Fourteen candidates attended; eleven passed; three were postponed.

The following passed a "Second" Examination in Irish under the above Act, held on the 5th and 6th June.

John G. Bolger.  
 Thomas B. Dwane.  
 William J. A. Dundon.  
 Dermot D. Fanning.  
 Patrick M. K. Johnson.  
 James B. Joyce.  
 Sheila C. P. Keane.  
 Eithne M. MacInerney.  
 Joan M. Macaulay.  
 James Molloy.  
 Arthur J. T. O'Connor.

Philip O'Loughlin.  
 Thomas C. O'Mahony.  
 Dermot J. O'Meara.  
 Joseph G. O'Shea.  
 Maurice P. Ronayne.  
 George A. Russell (Junr.)  
 Patrick M. Russell.  
 James G. D. Walsh.

Thirty candidates attended; nineteen passed; eleven were postponed.

**SOLICITORS' GOLFING SOCIETY.**

The Summer Meeting was held at Royal Dublin on the 28th May and, although the entry was smaller than usual on account of the difficulties of transport, was greatly enjoyed by those who took part.

The Society's Challenge Cup and the Prize presented by the Captain to the Winner was won by J. Desmond Kearns.

The prize for the runner-up was won by W. J. Menton.

The prize for the best gross was won by W. J. O'Reilly.

The Veteran's Cup was won by W. J. Norman.

The Competition was followed by a Dinner in the Club House at which the Captain, G. E. Grove White, presided. Amongst those present were: The President of the Law Society, Major Foster, President, and J. J. Hickey, Captain of Royal Dublin, both of whom spoke and expressed their pleasure at having Members of the Solicitors Profession as Visitors to their Club.

The Committee are considering whether it will be possible to have future meetings during the emergency, as the Society cannot afford this expense when the entries are so small.

Any Member who did not receive a circular of the last Meeting should communicate with the Hon. Secretary, J. D. Rooney, Solicitor, Bank of Ireland, College Green, Dublin.

**DRAFT SOLICITORS' BILL.**

The Joint-Committee appointed to consider suggestions for the draught Bill has almost completed its work. The Council has provisionally appointed October 1st as the date for the adjourned Special General Meeting of the Society.

It is hoped to get out the notices convening the meeting together with a copy of the report of the Joint Committee to all members early in September.

## ADMISSION AS SOLICITORS OF EIRE.

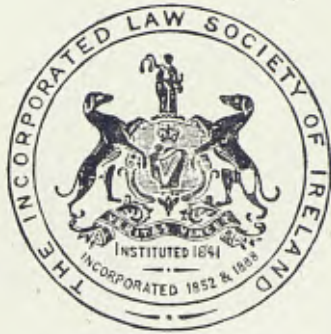
January to June, 1942, inclusive.

| NAME                                                             | SERVED APPRENTICESHIP TO :—                                     |
|------------------------------------------------------------------|-----------------------------------------------------------------|
| James Barry<br>Hollyhill House, Cork.                            | Michael Dorgan, Cork.                                           |
| John Bolton<br>Trimblestown Lodge, Dundrum.                      | Arthur T. Ellis, Dublin, and<br>Samuel Bolton, Dublin.          |
| Constance M. NiCatmaoil.<br>Teach Muire, Cill Manntain.          | Edmund A. Corr, Ballina.                                        |
| John R. Colfer<br>New Ross.                                      | Thomas A. Colfer, New Ross.                                     |
| Edward C. Cooke,<br>Galway.                                      | Charles A. Cooke, Galway.                                       |
| Samuel V. Crawford,<br>2 Gracepark Garden, Drumcondra, Dublin    | Samuel H. Crawford, Dublin, and<br>Francis C. D. Joynt, Dublin. |
| Donald R. Cullen<br>79 Merrion Road, Dublin.                     | John E. Cullen, Dublin.                                         |
| John F. Donovan<br>"Glenbower," Dundrum, Co. Dublin.             | John F. B. Barry, Dublin.                                       |
| Anthony J. Dudley<br>Carlton, Sandford Road, Dublin.             | John M. Dudley, Dublin.                                         |
| Edward J. Durnin<br>86 St. Ignatius Road, Dublin.                | Patrick D. O'Grady, Dublin.                                     |
| George T. Eason<br>30 Kenilworth Square, Dublin.                 | Matthew Purcell, Naas.                                          |
| Rory C. FitzGibbon<br>22 Grosvenor Square, Rathmines, Dublin.    | Wm. McA. McCracken, Dublin.                                     |
| Eileen M. M. Forde<br>Rockmount, Boyle.                          | John Forde, Boyle.                                              |
| John C. Griffin<br>Drogheda.                                     | Joseph L. Reilly, Drogheda.                                     |
| Edward W. Healy<br>Clonmoyle, Coachford, Co. Cork.               | Thos. Healy, Skibbereen.                                        |
| George M. Hegarty<br>Castletownbere.                             | Gerald J. Hegarty, Castletownbere.                              |
| Raymond G. Hickey<br>50 Aughrim Street, Dublin.                  | Valentine Miley, Dublin.                                        |
| Edward W. Hughes<br>Graigenamanagh                               | John Foley, Bagenalstown.                                       |
| Adeline G. J. Hyland<br>"Altona," Esplanade, Bray.               | Christopher McGonagle, Dublin.                                  |
| William R. A. Keller<br>Glasthule Lodge, Glenageary, Co. Dublin. | R. N. Keller, Dublin.                                           |
| Joanna M. Kelly<br>Ballinahinch, Cashel.                         | Robt. A. Frewen, Tipperary.                                     |
| James Kennedy<br>Carrickmacross.                                 | Patk. J. Kennedy, Carrickmacross.                               |
| John F. Kiernan<br>Longford.                                     | Patrick Groarke, Longford.                                      |
| Joseph Linehan<br>Millstreet, Co. Cork.                          | Timothy Linehan, Millstreet.                                    |
| Hugh A. Ludlow,<br>Elm Bank, Douglas Road, Cork.                 | Chas. K. Murphy, Cork.                                          |

## Admission as Solicitors of Eire (contd.)

| NAME                                                                   | SERVED APPRENTICESHIP TO                                            |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| Seamus N. Mahon ... ..<br>Clonminch, Tullamore.                        | Henry F. Brennan, Tullamore.                                        |
| Synge Millington ... ..<br>32 Cremore Road, Glasnevin, Dublin.         | Robt. W. Hamilton, Dublin.                                          |
| Margaret Morris ... ..<br>Castlefield, Clonmel.                        | James A. Binchy, Clonmel.                                           |
| Thomas A. Moylan ... ..<br>Castledaly, Loughrea.                       | Vincent P. Shields, Loughrea.                                       |
| Eunan E. H. McCarron ... ..<br>"Anerley," Cowper Road, Dublin.         | Richard Ryan, Dublin.                                               |
| Bernard W. McCloskey ... ..<br>Dungiven, Co. Londonderry.              | Thomas G. Logue, Letterkenny.                                       |
| Roderick B. McConnell ... ..<br>40 Eglinton Road, Donnybrook, Dublin.  | John R. Peart, Dublin.                                              |
| James A. Neilan ... ..<br>Roscommon.                                   | Patrick J. Neilan, Roscommon.                                       |
| Michael Nolan (Junr.) ... ..<br>Kilkee.                                | A. J. O'Flynn, Gort.                                                |
| John F. O'Mahony ... ..<br>Dunmahon, Farranferris, Cork.               | Michael J. O'Brien, Cork.                                           |
| Joseph Plunkett ... ..<br>Longford.                                    | Patrick J. Hannan, Longford, and<br>Patrick J. Connellan, Longford. |
| Michael J. F. Power ... ..<br>66 Clonliffe Road, Dublin.               | John S. O'Connor, Dublin.                                           |
| Gerard Quinn ... ..<br>32 Nth. Circular Road, Dublin.                  | Lawrence B. McMahon, Dublin.                                        |
| Patrick A. Roche ... ..<br>Kingston Square, Mitchelstown.              | William E. O'Brien, Mitchelstown.                                   |
| Raphael D. Seligman ... ..<br>175 Upr. Rathmines, Dublin.              | I. V. Elyan, Dublin.                                                |
| Eugene Shine ... ..<br>New Inn, Cahir.                                 | Edgar J. Ryan, Killenaule.                                          |
| Francis R. Tully ... ..<br>161 Seafeld Road, East, Dollymount, Dublin. | Thos. A. W. Purefoy, Dublin.                                        |
| Gabriel Warde ... ..<br>Parke, Castlebar.                              | Patk. J. Durkin, Castlebar.                                         |
| George A. Williams ... ..<br>87 Iveagh Terrace, Crumlin, Dublin.       | C. B. W. Boyle, Dublin.                                             |





# THE GAZETTE

OF THE

**Incorporated Law Society of Ireland.**

---

---

Vol. XXXVI, No. 4]      AUGUST, 1942.

[ FOR CIRCULATION  
AMONGST MEMBERS

---

---

## CONTENTS.

~~~~~

	PAGE
Law Society Centenary Annuity Fund 	16
Examinations, October, 1942 	16
Michaelmas Sittings Lectures, 1942 	17
Obituary 	17

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 4] AUGUST, 1942

[FOR CIRCULATION
AMONGST MEMBERS

LAW SOCIETY CENTENARY ANNUITY FUND.

As stated in the June issue of the Gazette the net total of the fund at the date of closing of the subscription list was £1,392, 11s. 11d. The Council at its last meeting resolved to discharge the liabilities for printing, postage, etc., in connection with the fund and to add sufficient to make it £1,400. A cheque for the latter amount was accordingly sent to the Solicitors' Benevolent Association for the purpose of founding a single annuity to be known as the Centenary Annuity which will be administered by the Association.

EXAMINATIONS, OCTOBER, 1942.

A Final Examination will be held upon Monday and Tuesday the 5th and 6th days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 14th September.

A "First Examination" in Irish will be held upon Friday, the 2nd day of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 11th September.

A "Second Examination" in Irish will be held on Friday and Saturday, the 2nd and 3rd days of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 11th September.

A Preliminary Examination will be held upon Wednesday and Thursday, the 7th and 8th October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 16th September.

An Intermediate Examination will be held upon Friday, the 9th day of October. Notice of intention to attend the examination should be lodged in the Secretary's Office before the 17th September.

MICHAELMAS SITTINGS LECTURES, 1942.

Junior Lectures (which will be held upon Mondays and Thursdays, and will be twelve in number) will begin upon Monday, the 12th October, 1942, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 26th September.

Senior Lectures (which will be held upon Tuesdays and Fridays and will be twelve in number) will begin upon Tuesday, the 13th October, 1942, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend and fee of three guineas should be lodged in the Secretary's Office before the 26th September.

OBITUARY.

MR. ALFRED H. EXHAM, Solicitor, died on 19th July, 1942, at his residence, 5 Alta Terrace, Monkstown, Co. Cork.

Mr. Exham served his apprenticeship with his father, the late Mr. Thomas Exham, Cork, was admitted in Hilary Sittings, 1885, and practised at South Mall, Cork, as a member of the firm of Thomas Exham & Son.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

1911

NUMBER 1000

THE GAZETTE

IS PUBLISHED WEEKLY

BY THE GOVERNMENT OF INDIA

PRINTED AND SOLD BY THE GOVERNMENT OF INDIA

NEW DELHI

1911



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 5]

NOVEMBER, 1942

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Solicitors' Bill, 1942	20
Meetings of the Council	20
Sittings and Vacations of Supreme Court and High Court	21
District Court Rules, 1941, No. 2	21
Land Registry Form	21
Scholarship, 1942	21
Obituary	21-22
Examination Results	22-23

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 5] NOVEMBER, 1942

[FOR CIRCULATION
AMONGST MEMBERS

SOLICITORS' BILL, 1942.

The adjourned Special General Meeting of the Society for the purpose of reconsidering the draft Bill, was held in the Hall of the Society on the 1st October, 1942, at eleven o'clock, a.m. A synopsis of its text, together with a copy of the report of the Joint Committee, was sent out with the notice convening the meeting. Copies of the Bill were also sent to each Bar Association in Eire. The meeting lasted all day and the draft Bill was fully discussed. The following resolutions were passed by the meeting:—

"That Section 59 of the draft Solicitors' Bill, 1942, making membership of the Society compulsory should be retained in the Bill."

"That the omission from the present draft Bill of Part VII of the draft Solicitors' Bill which was submitted to the Special General Meeting on the 30th September, 1941, be adopted."

"That the Council be instructed to proceed forthwith with the Bill as approved."

"That the Joint Committee's report be adopted and that the revised draft Bill as submitted to the Meeting be approved."

The Meeting also authorised the Council to consider all suggestions which had been put forward during the discussions on the draft Bill and to make such minor amendments as might seem to be indicated.

A vote of thanks was passed to the President and the Members of the Council and the Joint Committee for their services in connection with the draft Bill.

The Council is proceeding to consider the suggestions put forward and when it has approved the Bill in its final form, will proceed as directed.

MEETINGS OF THE COUNCIL.

1st October, 1942.

Twenty-seven members present.

22nd October, 1942.

Thirty members present.

Examinations.

The results of the "First" and "Second" Irish Examinations, also the Preliminary and Intermediate Examinations, held in October last, were submitted and approved by the Council.

The results of the Final Examination, held in October last, were submitted and approved by the Council at an adjourned meeting held on the 29th October, 1942.

Annual Report.

Draft Annual Report of the Council was adopted.

SITTINGS AND VACATIONS OF SUPREME COURT AND HIGH COURT.

The Minister of Justice has signed new Rules prepared by the Rules Committee which will, in effect, replace Order XXXI of the Rules of 1926. The principal alteration effected by the new Rules is to appoint fixed vacations in lieu of the former Easter and Whit-vacations, which will be independent of the variation of Easter Sunday and Whit Sunday in the calendar from year to year. The new Rules were published in Iris Oifigiúil on 27th November, 1942.

DISTRICT COURT RULES, 1941. No. 2.

The Rules which relate to the enforcement of Court Orders abolished through an error Forms 16 to 28 (relating to Ejectments and other matters) printed in Schedule I Part II of the 1926 Rules. It was apparently intended to abolish Forms 21 to 28 which relate to the enforcement of Court Orders but Forms 16 to 20 were inadvertently included. This obvious mistake is now to be rectified by The District Court Rules, 1942, published by the Stationery Office.

LAND REGISTRY FORM.

The attention of the Council has been drawn to a clerical error in Form 22 in the Schedule to the Land Registry Rules, 1937, which is a form of voluntary transfer of freehold Land, by a registered full owner, with a power of revocation. The words "To revoke the use hereby limited to E.F." in paragraph 2 should read "To revoke the use hereby limited to C.B." and practitioners should note this clerical error when using the form.

SCHOLARSHIP, 1942.

The Overend Final Examination Scholarship (Real Property and Conveyancing) has been awarded to James A. Casey.

The Overend Preliminary Examination Scholarship and the Findlater Scholarship for 1942 will not be awarded.

OBITUARY.

MR. HENRY ROOKE, Solicitor, died on 18th August, 1942, at his residence, 8 Clyde Road, Dublin.

Mr. Rooke was admitted in Trinity Sittings, 1885, and practised as senior partner in the firm of Rooke and Beers, 6 Merrion Square, North, Dublin.

MR. PATRICK W. O'DONOVAN, Solicitor, died on 17th September, 1942, at Clonakilty.

Mr. O'Donovan was admitted in Trinity Sittings, 1891, and practised at Clonakilty.

MR. JOHN HALPENNY, Solicitor, died on 19th September, 1942, in Dublin.

Mr. Halpenny served his apprenticeship with Mr. Thomas J. Dowdall, Mullingar, was admitted in Michaelmas Sittings, 1924, and practised at Castlepollard.

MR. WILLIAM H. ROPER, Solicitor, died on 25th September, 1942, at his residence, St. Aubyn's, Ballybrack, Co. Dublin.

Mr. Roper was admitted in Trinity Sittings, 1889, and practised under the style of H. & W. Stanley at 59 Dawson Street, Dublin.

MR. JOHN H. KING, Solicitor, died on 30th September, 1942, at Drumlee, Ballyward, Co. Down.

Mr. King served his apprenticeship with Mr. Daniel McCartan, Downpatrick, was admitted in Hilary Sittings, 1911, and practised at Downpatrick.

MR. THOMAS NOONAN, Solicitor, died on 23rd October, 1942, at Navan.

Mr. Noonan served his apprenticeship with Mr. W. D. Sullivan, Navan, was admitted in Trinity Sittings, 1907, and practised at Navan.

MR. JOHN H. DUDLEY, Solicitor, died on 24th October, 1942, in Dublin.

Mr. Dudley served his apprenticeship with the late Mr. James A. Denning, Dublin, was admitted in Trinity Sittings, 1899, and practised at Nenagh.

MR. EDWARD A. MARGETSON, Solicitor, died on 2nd November, 1942, at his residence, Clifton, Shankill, Co. Dublin.

Mr. Margetson served his apprenticeship with Mr. Samuel R. C. Hemphill, Dublin, was admitted in Michaelmas Sittings, 1925, and practised as senior member of the firm Margetson and Greene, 18 Lower Baggot Street, Dublin.

EXAMINATIONS RESULTS.

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

1. Martin A. Salmon.
2. Oliver P. Morahan.
3. Mary M. McFadden.
4. Michael T. B. Davis.
5. Eunan T. McMullin.
6. Desmond G. Houston.

John R. Gibney passed a modified Preliminary Examination at which he was at liberty to present himself.

Ten candidates attended; seven passed; three were postponed.

PRELIMINARY EXAMINATION AWARDS, 1942.

A Special Certificate was awarded to Martin A. Salmon.

LEGAL PRACTITIONERS' (QUALIFICATION) ACT, 1929.

The following passed a "First" Examination in Irish under the above Act, held on the 2nd October.

Stanley A. E. Belford.
John F. Binchy.
John Egan.
Francis Johnston
Thomas J. Kelly.
Robert S. Kieran.
Mary M. McFadden.
Eunan T. McMullin.
Mary T. O'Connor.
Patrick J. O'Connor.
William A. Osborne.
Cornelius J. O'Sullivan.
Michael Quinn.
Martin A. Salmon.
Arthur H. Stevens.
Francis M. Thompson.
John C. Walsh.
Margaret H. Walsh.

Twenty-two candidates attended; eighteen passed; four were postponed.

The following passed a "Second" Examination in Irish under the above Act, held on the 2nd and 3rd October.

David Bell.
Patrick J. Brennan.
Liam M. Collin's.
Randal Counihan.
William J. C. Horan.
Maurice J. Kenny.
Michael G. O'Beirn.
Michael B. O'Malley.
John M. O'Shea.
Diarmuid Rosney.

Sixteen candidates attended; ten passed; six were postponed.

INTERMEDIATE EXAMINATION.

At the Intermediate Examination held on the 9th October, the following passed the Examination:—

Passed with Merit :

1. John D. Quinn.
2. Maurice M. Power.
3. Mary T. J. Sweeney.
4. Thomas A. Morrow.
5. Donal T. Ryan.
6. Patrick T. Liston.

Passed :

Thomas P. Byrne.
 Anna E. Egan.
 John M. Gilvarry.
 Patrick C. Jones.
 Michael P. O'B. Kelly.
 Leslie S. Kettle.
 Shiela B. McCann.
 Michael Morrissey.
 Michael A. Nestor.
 Fergus F. B. O'Meara.
 Philip H. Ordman.
 Thomas F. O'Reilly.
 Donal Reilly.

Twenty-nine candidates attended; nineteen passed; ten were postponed.

FINAL EXAMINATION.

At the Final Examination held on the 5th and 6th October, 1942, the following passed

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

1. William J. A. Dundon.
2. Joan M. Macaulay.
3. Mary J. MacClancy.
4. Terence B. Adams.
5. Sean D. O'Conghaile.
6. William Hoyne.
7. Gerard M. Doyle.
8. Mary A. O'Connor.
9. Patrick M. Russell.
10. Stephen A. Murtagh.
11. Peter P. Ryan.
12. Dermot O'Meara.
13. Dermot D. Fanning.
14. Kathleen M. O'Kane.
15. Diarmuid M. Murphy.
16. Thomas C. O'Mahony.
17. Joan Conway.
18. Daniel J. MacGettigan.
19. George U. W. Burke.
20. Liam D. Boyd.
21. Mary J. Brennan.
22. James G. D. Walsh, B.A.N.U.I.
23. David Bell.
24. Eithne M. MacInerney.
25. Meadhbh Ni Uadhaigh.

Forty candidates attended; twenty-five passed; fifteen were postponed.

A Silver Medal has been awarded to William J. A. Dundon, and a Special Certificate to Joan M. Macaulay.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

The first part of the history of the county of Middlesex, from the earliest times to the reign of King Henry the Second, is contained in the first volume of this work. In the second volume, the history is continued from the reign of King Henry the Second to the reign of King Edward the Third. In the third volume, the history is continued from the reign of King Edward the Third to the reign of King Richard the Third. In the fourth volume, the history is continued from the reign of King Richard the Third to the reign of King Henry the Seventh. In the fifth volume, the history is continued from the reign of King Henry the Seventh to the reign of King James the First. In the sixth volume, the history is continued from the reign of King James the First to the reign of King Charles the First. In the seventh volume, the history is continued from the reign of King Charles the First to the reign of King Charles the Second. In the eighth volume, the history is continued from the reign of King Charles the Second to the reign of King George the First. In the ninth volume, the history is continued from the reign of King George the First to the reign of King George the Second. In the tenth volume, the history is continued from the reign of King George the Second to the reign of King George the Third. In the eleventh volume, the history is continued from the reign of King George the Third to the reign of King George the Fourth. In the twelfth volume, the history is continued from the reign of King George the Fourth to the reign of King William the Fourth. In the thirteenth volume, the history is continued from the reign of King William the Fourth to the reign of King George the Fourth. In the fourteenth volume, the history is continued from the reign of King George the Fourth to the reign of King George the Fifth. In the fifteenth volume, the history is continued from the reign of King George the Fifth to the present time.

The second part of the history of the county of Middlesex, from the reign of King Henry the Second to the reign of King Edward the Third, is contained in the second volume of this work. In the third volume, the history is continued from the reign of King Edward the Third to the reign of King Richard the Third. In the fourth volume, the history is continued from the reign of King Richard the Third to the reign of King Henry the Seventh. In the fifth volume, the history is continued from the reign of King Henry the Seventh to the reign of King James the First. In the sixth volume, the history is continued from the reign of King James the First to the reign of King Charles the First. In the seventh volume, the history is continued from the reign of King Charles the First to the reign of King Charles the Second. In the eighth volume, the history is continued from the reign of King Charles the Second to the reign of King George the First. In the ninth volume, the history is continued from the reign of King George the First to the reign of King George the Second. In the tenth volume, the history is continued from the reign of King George the Second to the reign of King George the Third. In the eleventh volume, the history is continued from the reign of King George the Third to the reign of King George the Fourth. In the twelfth volume, the history is continued from the reign of King George the Fourth to the reign of King William the Fourth. In the thirteenth volume, the history is continued from the reign of King William the Fourth to the reign of King George the Fourth. In the fourteenth volume, the history is continued from the reign of King George the Fourth to the reign of King George the Fifth. In the fifteenth volume, the history is continued from the reign of King George the Fifth to the present time.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 6]

DECEMBER, 1942

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
The President and The Vice-Presidents	26
Meetings of the Council	26
Draft Solicitors' Bill	26
Vote of Thanks to Mr. George A. Overend	26-27
Legal Practitioners (Qualification) Act, 1929	27
Hilary Sittings Lectures, 1943	27
Examination Papers, 1942	27
The Incorporated Law Society of Northern Ireland	27
The Southern Law Association	27
Obituary	27
Solicitors' Costs—Gross Sum	27-28
Emergency Powers Orders	28
New Members	28
Half-yearly General Meeting	28-32

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 6]

DECEMBER, 1942

[FOR CIRCULATION
AMONGST MEMBERS

MEMBERS ARE REMINDED THAT ANNUAL CERTIFICATES SHOULD BE TAKEN OUT AND THE DUTIES PAID THEREON BEFORE THE 6th DAY OF FEBRUARY, 1943.

THE PRESIDENT.

The Council elected, on the 3rd December, Mr. John B. Hamill, of Dundalk, to be President of the Society for the ensuing twelve months. The newly-elected President is State Solicitor for County Louth. He was admitted a Solicitor in Hilary Sittings, 1916. He was elected a member of the Council of the Society in 1931, and was a Vice-President of the Society for the year 1935-1936.

THE VICE-PRESIDENTS.

The Council has elected Mr. John P. Carrigan, of Thurles, and Mr. John S. O'Connor, of Dublin, to be Vice-Presidents of the Society for the ensuing twelve months.

MEETINGS OF THE COUNCIL.

12th November.

Eighteen members present.

DRAFT SOLICITORS' BILL.

The draft Solicitors' Bill, 1942, was referred to a sub-Committee consisting of Mr. Overend, Mr. Mayne, Mr. Ó hUadhaigh and Mr. Cox for consideration of the various suggestions received with regard to the Bill at or subsequent to the Special General Meeting.

3rd December:

'Twenty-one members present.

The Secretary was directed to inform the Department of Justice that the Council, if requested, would nominate one or more members to serve on a Committee proposed to be set up for the purpose of preparing an authorised Irish translation of English legal terms.

VOTE OF THANKS TO

MR. GEORGE A. OVEREND.

The newly-elected President, in tendering the thanks of the Council to Mr. Overend, outgoing President, said:

GENTLEMEN:

My first duty on addressing you as President of the Incorporated Law Society, is, on your behalf and on my own behalf, to tender to my predecessor, Mr. G. A. Overend, the very sincere thanks of this Council, of the Society, and of myself for the splendid services he rendered to our profession during his year of office.

In the first place this Council can never forget the wonderful manner in which he carried on the affairs of the Society in that very difficult period after the death of our late Secretary, and until the election of our present Secretary. During that time the official work of the Society was carried on by Mr. Overend exactly as if the Secretary of our Society was in office. Nothing was too much for him to undertake and no business too small for him to overlook. This was only equalled by the great services he gave to the work of the Bill Committee,

with the result we all know, at the Special Meeting over which he presided. He diligently practised, what he proudly stated—he was taught in childhood—"never to accept any position unless he was prepared to give of his very best in that position." During his year of office he was unsurpassable in service. He gave us his very best. He presided over our meetings with marvellous tact and good humour and he leaves office with every one of us cherishing a memory of a man from whom we expected much, but, who gave us far in excess of what we anticipated. I trust, and I know, that during my term of office I shall receive from Mr. Overend every assistance that he can give, and I shall depend and rely on his advice and experience.

On behalf of our Council I present to you, Mr. Overend, this badge, a replica of your badge of office, which I know you will cherish as a proud memory of the honour that had been conferred upon you and the confidence placed in you by your colleagues.

Go dtugaidh Dia Saoghal fada dhuit faoi Ráth agus Faoi Shonas. As I have just said in our own tongue: May God grant you many years of happiness and prosperity.

LEGAL PRACTITIONERS

(QUALIFICATION) ACT, 1929.

A "First" Examination in Irish and a "Second" Examination in Irish will be held on Friday and Saturday, the 5th and 6th days of February, 1943.

Notices of intention to attend either of the above-mentioned examinations should be lodged in the Secretary's Office before the 15th day of January.

HILARY SITTINGS LECTURES, 1943.

Senior Class Lectures will begin on Tuesday, the 12th January. Junior Class Lectures will begin on Monday, the 11th January.

EXAMINATION PAPERS, 1942.

The Booklet containing the Papers set at all the examinations held by the Society during the year 1942 can now be obtained from the Secretary's Office, price 2/-, post free.

THE INCORPORATED LAW SOCIETY OF NORTHERN IRELAND.

Mr. Charles MacLaughlin of Coleraine has been elected President of the Society for the year 1942-1943.

THE SOUTHERN LAW ASSOCIATION.

Mr. John F. Foley of Cork has been elected President of the Association for the year 1942-1943.

OBITUARY.

MR. FREDERICK G. SHARPE, Solicitor, died on 30th November, 1942, at his residence, 14 Ailesbury Road, Dublin.

Mr. Sharpe served his apprenticeship with the late Mr. William Milward Jones, and the late Mr. Alexander C. Cameron, both of Dublin. He was admitted in Hilary Sittings, 1899, and practised at 6 Dawson Street, Dublin, as a member of the firm of Milward Jones, Mayne & Sharpe.

He was Professor of Common Law to The Incorporated Law Society from 1909 to 1914.

SOLICITORS' COSTS—GROSS SUM.

The recent English Decision in the case of *In re J. N. Nabarro & Sons* (59 T.L.R.24) on the construction of the Solicitors' Remuneration (Gross Sum) Order, 1934, is of interest to Irish Solicitors in as much as the relevant part of that Order is identical with our General Order of 15th November, 1920 (printed at page 465 of the Society's Calendar for 1942). The following statement appears at, page 382, Cordery on Solicitors, 4th Edition:—

"Where a Solicitor charges an unexplained gross sum the client may, before taxation, require an explanation, which the Solicitor is bound to give, and which may then be used on taxation, or the Solicitor may tender such explanation without the client's request and in either case the explanation may be used on taxation to explain (but not so as to increase) the gross sum."

The words in brackets are no longer a correct statement of the law in England since the above-mentioned decision, which it is submitted would be followed by the Irish Courts. A firm of Solicitors having delivered to a client a Bill of Costs for a gross sum, subsequently at the client's request, as they were obliged to do, delivered an itemised Bill. This Bill taxed to an amount greater than the gross sum and it was held by the Court of Appeal that the Solicitors were entitled to recover from the client the full amount of the detailed Bill as taxed.

EMERGENCY POWERS ORDERS.

An index to the Orders for the years 1939, 1940 and 1941 has been published, and may be had from the Government Publications Office, 3 College Street, Dublin, Price 1/—.

NEW MEMBERS.

The following have joined the Society :—

- Martin Fitzgerald, Sligo.
- Joseph Frizelle, Kilkenny.
- Michael A. Humphries, 3 Lr. O'Connell Street, Dublin.
- Adeline G. J. Hyland, 34 Upper O'Connell Street, Dublin.
- James Kennedy, 3/5 Suffolk Street, Dublin.
- John P. Kennedy, Duindalk.
- Matthew J. Lardner, 116 Grafton Street, Dublin.
- Daniel Lynch, 4 Sth. Gt. Georges' Street, Dublin.
- Michael J. F. Power, 4 Upr. Ormond Quay, Dublin.
- Thomas J. C. Reilly, Clonmel.
- Edward Thornton, 7 Upper Ormond Quay, Dublin.
- Francis R. Tully, 3/4 Foster Place, Dublin.

HALF-YEARLY GENERAL MEETING.

The Half-yearly General Meeting of the Society was held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Thursday, the 26th November, 1942. The Chair was occupied by the President (Mr. G. Acheson Overend), and the following members of the Society were also present :—
J. J. Dunne (Vice-President), H. St. J. Blake, J. J. Bolger, P. R. Boyd, W. Gordon Bradley,

E. H. Burne, John P. Carrigan, E. F. Collins, Arthur Cox, F. J. W. Darley, Roger Greene, John B. Hamill, W. S. Hayes, M. E. Knight, M. G. R. Lardner, James J. Lynch, H. P. Mayne, W. J. Norman, Daniel O'Connell, John S. O'Connor, Peter O'Connór, Seán Ó hUadhaigh, P. F. O'Reilly, C. G. Stapleton, Robt. Hayes, Saml. Hayes, Ivan Howe, J. F. Donovan, J. G. Quirke, Hastings D. Draper, Valentine E. Kirwan, John B. McCann, Michael J. Bowers, H. E. Woulfe Flanagan, Edward J. Montgomery, Herbert MacNeicé, Victor D. Wolfe, P. Glynn, H. P. Dockrell, E. H. Byrne, J. M. Dudley, Denzil O'Donnell, H. R. Maunsell, John T. Hamerton, J. J. Lynch, C. M. Gore-Grimes, C. J. Gore-Grimes, E. W. Proud, W. S. Barrett, R. D. English, T. D. McLoughlin, D. D. MacDonald, Brendan Walsh, P. C. Moore, Edward G. L. Ward, P. K. M. Carey, Thomas Maguire, J. H. Gorman, A. E. Walker, Seán A. Ó hUadhaigh, A. G. Joyce, Thos. J. Greene, R. P. Humphries.

The Secretary read the Notice convening the Meeting, also the Minutes of the General Meeting of 15th May 1942, which were signed by the Chairman. The Secretary also read the Minutes of the Special Private General Meeting which was held upon the 1st October 1942, which were signed by the Chairman:

The Chairman, with the consent of the meeting, signed the Audited Accounts of the Society for the year ending 30th April 1942.

The Secretary read the Report of the Scrutineers of the Ballot for Council, which stated that the following had been returned unopposed as Provincial Delegates :—
Ulster, John Gillespie; Munster, A. J. Blood-Smyth; Leinster, W. L. Duggan; Connaught, C. E. Callan and that for the thirty-one Ordinary Members of the Council the following had been elected and received the number of votes placed after their respective names :—

Arthur Cox	...	...	376
E. F. Collins	...	...	363
J. T. Wolfe	...	...	358
W. J. Norman	...	...	352
J. J. Lynch	...	...	347
H. St. J. Blake	...	...	344
G. A. Overend	...	...	338
H. P. Mayne	...	...	337

W. S. Hayes	337
S. Ó hUadhaigh	335
P. R. Boyd	331
P. F. O'Reilly	330
L. E. O'Dea	314
M. E. Knight	312
Hugh O'Donnell	312
Peter O'Connor	310
J. P. Carrigan	310
Daniél O'Connell	303
John J. Dunne	300
John S. O'Connor	294
Matthew Lardner	290
W. Gordon Bradley	275
J. B. Hamill	271
R. A. Macaulay	270
W. S. Huggard	269
J. J. Dundon	267
C. G. Stapleton	266
E. H. Burne	263
Roger Greene	263
John J. Bolger	255
F. J. W. Darley	246

and the following to form a supplemental list in case of vacancies:—

John J. Smyth	211
James Rowlette	185
Denzil O'Donnell	172

The President proposed, and Mr. W. Gordon Bradley seconded, the adoption of the following new Bye-laws of the Society in lieu of the existing Bye-laws Nos. 15, 16 and 17.

NEW BYE-LAW 15.

At the General Meeting in the month of November in each year a professional accountant or firm of professional accountants shall be elected to audit the accounts of the Society. Such auditor or auditors shall hold office until the General Meeting held in November of the ensuing year, but he or they shall be eligible for re-election. The said auditor or auditors shall be employed and be remunerated by the Council out of the funds of the Society. If the said General Meeting shall fail so to elect an auditor or auditors the election shall be made by the Council.

NEW BYE-LAW 16.

If any vacancy occur in the office of auditor during the year a new auditor or auditors shall be elected by the Council to fill such vacancy.

NEW BYE-LAW 17.

The audit and examination of the Society's books and accounts for the year to 30th April shall be carried out by the auditor or auditors not later than the 31st day of July following. A copy of the Revenue and Expenditure account and the auditor's Certificate thereon shall be submitted by the Council with the Annual Report at the November General Meeting following the audit. After the reading of the accounts at the meeting and their approval by the meeting or adoption by any other means the Chairman of the Meeting shall sign the accounts in testimony of such approval and such accounts shall be binding and conclusive on all the members of the Society. If at any time the Council considers it to be advisable the Society's accounts shall be audited more frequently than at yearly intervals and at such times as may be directed by the Council.

The proposal was carried unanimously.

The Meeting approved of Messrs. Kevans and Sons, Auditors and Accountants, 1 Westmoreland Street, Dublin, as the auditors of the Society's accounts for the year ending 30th April 1943.

The President, addressing the Meeting said:—

GENTLEMEN:

Since our last Half-yearly Meeting I am sorry to say that death has been busy in our ranks and I find that 13 members of the Society have passed away. Of these, Mr. Adam Lloyd-Blood is the only one who has been a Vice-President, but you will all have been familiar with him here in the City of Dublin where he was so well known and respected. This loss in the membership of the Society is inevitable and, of course, must be made good by new recruits to our ranks. This, very naturally, brings me to the question of membership of the Society and I am amazed to see that the membership of the Society still lags so far behind the total number of Solicitors on the Roll. You will see from the Report that 1,388 persons are on the Roll as Solicitors, and yet only 840 are members of the Society: I can only think that this great disparity is due to the fact that many Solicitors, particularly

the younger members, do not realise the amount of work that is done on their behalf by the Society, and more particularly by the Council.

There are many Committees of the Council and I may mention the following:—

- The Finance Committee
- The Parliamentary Committee
- The Costs Committee
- The Gazette Committee
- The Circuit and District Courts Committee
- The Land Acts Committee
- The Privileges Committee

as well as the Court of Examiners, and of course, the Statutory Committee.

In addition to all these Committees, there are from time to time special Committees set up such as the recent Solicitors' Bill Committee. Some of these Committees meet monthly and some, of course, at longer intervals. You will see in the Report that it is stated that there were fifteen meetings of the Council and thirty meetings of Committees during the year. This does not give a true picture as it only refers to the meetings actually held up to the date when the Report was drafted over a month ago. Since then there have been two more meetings of the Council and six or seven meetings of the Committees and the total number of meetings held in this way are certainly not less than fifty-four or fifty-five in the year. To this has to be added ten meetings of the Statutory Committee, three meetings of the Joint-Bill Committee, ten or eleven meetings of the sub-Committee dealing with the Bill, the meetings held in connection with the election of a new Secretary, etc.

At all these meetings your President and Vice-Presidents are ex-officio members of the Committee and attend if they can. It is the privilege of your President to preside at all of them and I am happy to say that I was able to attend and preside at every single one of the meetings (whether of the Council or Committees) held during my term of office, with the sole exception of one Finance Committee which was summoned for the same time as the High Court Rules Committee.

Apart from these meetings of the Council and its Committees there are various other duties that your President has to perform.

He is a member of the High Court Rules Committee and during my term of office I have attended five or six meetings of this Committee. He is also expected to preside at your own Half-yearly and Yearly General Meetings, at any Special Meetings of the Society and at least two; if not more, meetings of the Solicitors' Apprentices' Debating Society. In addition, he is frequently called upon to interview officials in Government Offices and I have personally interviewed the Solicitor to the Revenue on two occasions in reference to questions of stamp duty. I have also seen the Estate Duty Office, and one other member of the Council has attended and discussed the position under the Land Registry Rules with the Registrar of Titles.

I believe I would be very nearly accurate in saying that during the year I have presided at almost one hundred meetings of one kind or another.

Even there the functions of the Society do not end. In addition to providing a Library which is available to all full members of the Society in the premises in which this meeting is being held, the Society answers numerous queries which are constantly being received by your Secretary from members who are in doubt as to some point of practice or otherwise. These letters while replied to by your Secretary if they raise any serious question are always discussed with the President and possibly some other members of the Council before your Secretary's reply is drafted.

I think from this short resume of the work of the Society new members will appreciate that there is a very great deal of work done by the Council, all of it voluntary, and all of it done most cheerfully, and that although the results may not always be very apparent, the interests of the Society are constantly watched and safeguarded.

I believe if these duties and functions of the Council were more carefully realised the members of the Profession as a whole would be only too glad to stand behind the Society and join in membership. As you know, the subscription is only £1 per annum or, in the case of country members who do not desire to avail themselves of the full privileges of the Society, may be only 10/- per annum. This is a very much smaller subscription than is levied by the average Trades Union

from its members and I do not think that the amount should deter anyone from joining. I would, therefore, particularly ask all members to impress on any Solicitor who is not a member, the real desirability of his joining, and more particularly, would I ask members to impress on their apprentices who are nearly out of their time that, as a matter of loyalty, they owe it to the Society who has done so much for them during their apprenticeship, to become members and pay their annual subscription.

There is another matter to which, perhaps, I should refer, and that is the question of the new Solicitors' Bill, which is now practically in its final form. You have just heard the minutes of the last Special Meeting of the members of the Society read and signed. At that meeting a few minor suggestions were made for further improvements in the Bill and these suggestions have all been considered and some of them have been put to Counsel to see if there is any practical difficulty in the way of their acceptance. Subject to this, I think it may be said that the Bill is in its final form, so far as the Society is concerned. It will go before the new Council at a very early stage and, as you know, the General Meeting has directed that the Council should then take such further steps as it may think right or proper to endeavour to have this Bill put through both Houses and passed into law.

You are already familiar with its main provisions and all I would like to say is that we hope and believe that if and when the Bill becomes law it will tend to the better regulation of the Profession as a whole and will give an added protection to the members of the public who are our clients.

The Report which you have in your hands deals very fully with most of the other matters that came before the Council during its year of office and I do not think that I can add very much to what is set out therein.

Another point I should, perhaps, refer to is the overcrowding of the profession. It is a matter of common knowledge that the Solicitors' profession is attracting to its ranks more newcomers than it can possibly absorb. Newly-qualified Solicitors are finding it increasingly difficult to obtain employment

or, if they set up on their own to acquire a practice, sufficient to provide for running expenses and leave any adequate margin. Such overcrowding, in the view of the Council, is not good from a professional point of view and is definitely bad from the point of view of the public, but is even worse from the point of view of the newcomers and their parents. The latter have incurred very heavy expenses in payment of apprenticeship fees, stamp duty and licence fees, and it must be very disheartening when, at last their sons are qualified, to find that there is no opening before them. I know that many other professions are complaining also of overcrowding but I would strongly urge parents to give this question their most serious consideration before deciding to make Solicitors of their sons. What the public hardly realise is the very heavy expenses which Solicitors have to incur in maintaining office staffs, etc., and from my own experience I can say that between 60 and 70 per cent. of the professional fees earned is absorbed in payment of such overhead expenses.

Before I close I would like to say how much we will miss Dr. Quirke from the Council. It came as a great shock to me to learn that he was not allowing his name to go before the members for election. He has served the Society faithfully and well for many years and his fellow members on the Council were always deeply appreciative of his sound judgment and ripe experience which he so willingly placed at their disposal.

I do not propose to delay you any longer, but have great pleasure in moving that the Council's Report for the year be adopted.

Mr. Hayes seconded the adoption of the Report which was carried unanimously.

The Press, having withdrawn by request, Mr. McLoughlin, Mr. P. C. Moore and Mr. Glynn addressed the Meeting on domestic matters.

Mr. W. S. Hayes, having been moved to the Chair, Dr. T. G. Quirke proposed that the best thanks of the Society be given to the President for his distinguished services to the profession during his year of office.

He said that, speaking from an experience of thirty years on the Council, he did not know of any President who had to carry such a heavy burden, owing to the death of Mr. Wakely, the Secretary, whom we had all come to regard as almost the permanent head of the profession. Coming from a distinguished family of lawyers, Mr. Overend devoted his hereditary talents wholeheartedly to the best services of the Society. During the interval between the death of Mr. Wakely and the appointment of the new Secretary, he had given all his time and abilities to the interests of the profession. His work was characterised by clear thinking, and his addresses to the Council and the Society, particularly in connection with the controversial clauses of the 'Draft Solicitors' Bill, were models of lucid exposition.

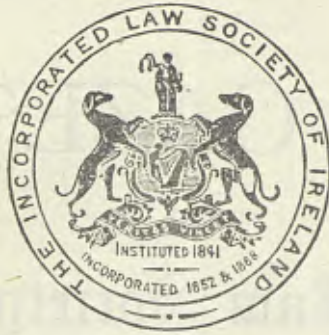
It was unnecessary to say anything of his invariable courtesy and kindness at all times to his colleagues. Above all, was his conspicuous success during the most difficult period in the Society's history, a success which was achieved by a great self-sacrifice,

and for which he deserved the Society's heartiest congratulations and best thanks.

In seconding the resolution, Mr. E. F. Collins said:—He only wished to add to what Dr. Quirke had said, that in his opinion this vote should not be limited to the members of the profession who were there that day. He felt that every Solicitor in Ireland owed a deep debt of gratitude to the President for the outstanding way in which he governed the Society, and managed its affairs during a year of unprecedented difficulty. He was quite sure that if it was possible to have a permanent President of the Society, Mr. Overend would be unanimously elected, but the rule was, that a President could only occupy the Chair for one year. This rule, he thought, was based on an old legal maxim, "Nemo bis vexare," which, being literally translated, meant, "Don't break the poor man's heart by giving him a second year of Office."

He had great pleasure in seconding the vote of thanks.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 7] JANUARY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Solicitors' Annual Certificates	34
Meetings of the Council	34
Obituary	34
Solicitors' Costs—Gross Sum	35
Liability of Solicitor for Honest Misapplication of Trust Funds	35
Costs of Solicitor Practising Without a Licence	35
Statutes of 1941	36
Statutes of the Oireachtas Passed During the Year 1942	36
Paper Shortage	36
New Members	36
Admissions as Solicitors of Eire, July to December 1942, Inclusive	37

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 7]

JANUARY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

SOLICITORS' ANNUAL CERTIFICATES

Members are reminded that Annual Certificates for the year ending the 5th day of January, 1944, should be taken out and the duties paid thereon before the 6th day of February, 1943.

Members are recommended to keep in safe custody their Certificates when stamped, so that the Certificates will be ready for production when required, and Dublin Agents of country solicitors should communicate with their correspondents as to the taking out of Certificates.

MEETINGS OF THE COUNCIL.

10th December.

Fourteen Members present.

Statutory Committee.

A letter was read from the Hon. the Chief Justice appointing the following members of the Council to be the Statutory Committee for the year ending 26th November, 1943 :—
Mr. E. F. Collins, Mr. John B. Hamill, Mr. M. E. Knight, Mr. James J. Lynch, Mr. Henry P. Mayne, Mr. G. A. Overend and Mr. Jasper Travers Wolfe.

Committees.

Committees of the Council for the year were appointed.

OBITUARY.

MR. THOMAS C. WYLIE, Solicitor, died on 3rd December, 1942, at his residence, "Ashmere," Culmore, Londonderry.

Mr. Wylie was admitted in Hilary Sittings, 1893, and practised at Londonderry.

MR. JAMES C. MCGIFFORD, Solicitor, died on 17th December, 1942, at his residence, Locksley Park, Finaghy, Co. Antrim.

Mr. McGifford served his apprenticeship to the late Mr. Joseph Lockhart, of Lisburn, was admitted in Hilary Sittings, 1904, and practised at Lisburn.

MR. LOUIS J. WALSH, Solicitor, died on 27th December, 1942, at Letterkenny.

Mr. Walsh served his apprenticeship to the late Mr. John Harbison, of Magherafelt, was admitted in Hilary Sittings, 1905, and practised at Ballycastle until the year 1923, when he was appointed a District Justice for County Donegal. He was a distinguished author and playwright. He was interned in Ballykinlar by the British authorities in the years 1920 and 1921.

SOLICITORS' COSTS—GROSS SUM.

General Order of 15th November, 1920.

Our attention has been drawn to the fact that the note in the December issue of the Gazette on the English decision in *re Nabarro* (on the interpretation of the English equivalent to the above Order) might suggest without a careful perusal of the Order, that the scope of the decision is wider than it is in fact. The principle laid down in *re Nabarro* in its application to this country relates only to the business specified in the Order, namely, business the costs of which are regulated by Clause 2 (c) of the General Order made under the Solicitors' Remuneration Act, 1881. It does not affect the principle operating in regard to contentious business or any non-contentious business not covered by Clause 2 (c). It would appear that the remuneration for business not within Clause 2 (c) is still governed by the limitation stated in *Cordery*, and that accordingly a client who has received a bill of costs for such business for a gross sum may require it to be furnished in detail and taxed without the risk of having to pay the excess should the detailed bill tax to more than the gross sum.

LIABILITY OF SOLICITOR FOR HONEST MISAPPLICATION OF TRUST FUNDS.

Solicitors acting for trustees will welcome the decision, in *Williams-Ashman v. Price & Williams* (1942) 1. Ch.219., in which the Plaintiff, who was a beneficiary under a trust, sought to make the Defendants, who were Solicitors for a deceased trustee, personally liable for an honest misapplication of the trust funds on the instructions of their client. The Plaintiff's argument was based on the following passage in Underhill's "Trusts," 9th Edition, page 548—"Where trust funds come into the custody and under the control of a Solicitor, or indeed of anyone else, with notice of the trust, he can only discharge himself of liability by showing that the property was duly applied in accordance with the trusts." The Solicitor defendants who, some years previously had prepared, and still retained, the trust deed, had forgotten its existence, and on the trustee's instructions had received portion

of the trust monies and applied them for purposes unauthorised by the trust deed. Bennett, J., held that although one of the defendants had acted, perhaps, incautiously none of them had inter-meddled by doing acts characteristic of a trustee and outside their duties as Agents in such a manner as to become trustees *de son tort*, and the action failed.

COSTS OF SOLICITOR PRACTISING WITHOUT LICENCE.

In the case of *Cooling v. the Minister for Finance* (as yet unreported) the plaintiff obtained judgment for damages with unascertained costs against the defendant. His solicitor served the defendant with a bill of costs and issued a summons to tax. After the costs had been taxed and certified the Defendant discovered that the Plaintiff's Solicitor had not in force a practising Certificate. He refused to pay the costs and by consent the matter was brought before the Court on Notice of Motion.

It was held by the President of the High Court that an objection to the payment of costs under Section 48 of the Solicitor's (Ireland) Act, 1898, by a Defendant must be made before the issuing of the Taxing Master's Certificate. The case, he said, turned on the meaning of the word "recover" in Section 48 which was "recover in an action". It was held that the certified costs had merged in the judgment and that unless the judgment was set aside it must be acted upon. It was too late at that stage to take the objection.

It should be noted that the reasoning of the decision, which was based on the merging of the costs in the judgment already entered in the action, is not applicable to the Taxation of Costs by a client on a requisition to tax where there has not been previous judgment for the costs.

Furthermore, in *Cooling's* case it would appear that the judgment for the damages and costs was in favour of the client and that the judgment did not decide whether the Plaintiff's Solicitor would be entitled to enforce payment to him by his client of the costs so recovered if paid to the Plaintiff.

Q. whether the limitation mentioned in *Cordery* even applies to business entrusted to 2(c) of the 1884 Order? (See *Plummer & Solicitors* Pet 1870 204, 9. + *Solr Rem. Act 1881* s. 8) Apparently it does not. *Henry* Vol. I. p. 17 citing *re Hillier* *re Russell*.

STATUTES OF 1941.

The bound volume of statutes for the year 1941 is now on sale in the Government Publications Office. Price 15/9, post free.

STATUTES OF THE OIREACHTAS PASSED DURING THE YEAR 1942.

1. Water Supplies.
2. Shops (Conditions of Employment) (Amendment).
3. Defence Forces (Temporary Provisions).
4. Central Fund.
5. National Health Insurance.
6. Imposition of Duties (Confirmation of Orders).
7. Insurance (Intermittent Unemployment).
8. Referendum.
9. Building Societies.
10. Air Navigation and Transport (Amendment).
11. Seeds and Fertilisers Supply.
12. Taxes and Duties (Special Circumstances).
13. County Management (Amendment).
14. Finance.
15. Housing (Amendment).
16. Offences against the State (Forfeiture).
17. Electricity Supply Board (Superannuation).
18. Local Elections (Amendment).
19. Emergency Powers (Continuance and Amendment).
20. Appropriation.
21. Customs (Amendment).
22. Central Bank.
23. Trade Union.
24. Superannuation.
25. Expiring Laws.
26. Registration of Title.
27. Electricity (Supply) (Amendment).

PAPER SHORTAGE.

The Society has received from the Minister of Supplies a letter pointing out the gravity of the position regarding paper and inviting the co-operation of the profession in endeavouring to alleviate the shortage of raw materials by increasing the collection of waste paper. It is pointed out that even a partial breakdown of the supply of

paper would be sufficient to cause a stoppage in the business activities of the country carried on in professional and commercial offices and would give rise to great unemployment hardship and dislocation of essential services. The matter individually concerns every citizen, and the Society, at the request of the Minister, wishes to bring it before members. The leading waste paper merchants have agents in many towns, but in any event the Secretary, Waste Paper Merchants' Association, 55 Dawson Street, Dublin will on request, nominate a merchant to collect waste paper in any areas where no agent resides.

NEW MEMBERS.

The following have joined the Society:—
George P. Andrews, 29 Lr. Gardiner Street, Dublin.

Augustine J. Baldwin, 34 Dame Street, Dublin.

T. A. Buckley, 52 Grand Parade, Cork.

Miss Margaret Carey, 18 Dame Street, Dublin.

John Casey, Ennis.

James G. Clahane, 4/5 Eustace Street, Dublin.

John K. Coakley, 44 South Mall, Cork.

Wm. J. Concannon, Tuam, Co. Galway.

Vincent P. Duffy, Stranorlar, Co. Donegal.

Miss Lucy Fagan, 58 Parnell Square, Dublin.

Louis J. Gillic, Virginia.

James F. Kearney, Kilkenny.

Thomas J. Kirwan, Wexford.

James Lucey, Kanturk, Co. Cork.

Miss Margaret Morris, Clonmel, Co. Tipperary.

Miceal O'Cleirigh, Ballyhaunis, Co. Mayo.

P. J. O'Driscoll, Bandon, Co. Cork.

Desmond O'Hagan, Dundalk, Co. Louth.

T. J. C. O'Keeffe, Roscommon.

The O'Phelan of the Decies, Longford.

Eugene Ryan, 3 Marlboro Road, N.C. Road, Dublin.

John D. Ryan, Limerick.

Finlay L. Todd, Londonderry.

Henry J. Walker, Athlone.

John J. Walker, 31 Westmoreland Street, Dublin.

Esmonde T. White, Portlaoighise, Co. Leix.

George A. Williams, 68 Middle Abbey Street, Dublin.

**ADMISSIONS AS SOLICITORS OF EIRE
JULY TO DECEMBER, 1942, INCLUSIVE.**

NAME	SERVED APPRENTICESHIP TO :
John G. Bolger Portlaoighise	Terence Byrne, Portlaoighise
Gerard C. Byrne 66 Lr. Kimmage Road, Dublin	Desmond J. Collins, Dublin
Mary B. Cahalan Ballingarry, Shinrone	David D. MacDonald, Dublin
James A. Casey Ennis	Michael J. Walshe, Ennis
Mary T. Corboy Guilford Road, Sandymount, Dublin	John S. O'Connor, Dublin
Gerard M. Doyle 60 Morehampton Road, Donnybrook, Dublin	Joseph C. Ruttledge, Dublin
James B. Joyce Recess	Michael J. Allen, Galway
James A. Kelly Swinford	Thomas D. Kelly, Swinford.
Mary J. MacClancy Ennis	Gerald J. O'Donnell, Ennis
James Molloy Londonderry	Hugh C. O'Doherty, Buncrana
Sean D. O'Conghaile Westfield Road, Dublin	Conor J. O'Liathain, Dublin.
Kathleen M. O'Kane 38 Iona Crescent, Glasnevin, Dublin	John R. McC. Blakeney, Dublin
Michael B. O'Malley Corbally, Limerick	Desmond J. O'Malley, Limerick
Patrick P. O'Sullivan 4 Cross Avenue, Blackrock, Co. Dublin	John T. Doyle, Dublin
Thomas Reilly Clonmel	James Reilly, Clonmel
Maurice P. Ronayne Midleton	Jerome J. Ronayne, Midleton
Patrick M. Russell Dundalk	Desmond O'Hagan, Dundalk
Patrick J. V. Sweeney 48 Morehampton Road, Donnybrook, Dublin	James P. Sweeney, Falcarragh
Mary W. E. Thornton Castlebar	A. V. G. Thornton, Castlebar
Laurence Walsh Hospital, Co. Limerick	Thomas E. F. Bennett, Kilmallock

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in approximately 15-20 horizontal lines across the page.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 8]

FEBRUARY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meetings of the Council	40
Rent Collectors acting for Local Authorities	40
Vacancy on Council	40
District Court Rules Committee	40
Solicitors' Bill	40-41
Obituary	41
Solicitors' Benevolent Association	41
Current Topics	41
Effect of Adjudication of Bankruptcy in England	41-42
Personal Liability of Vendors' Solicitor for non-disclosure to Purchaser	42
The High Court on Circuit	42-43
Solicitors' Certificates of Admission	43
April Examinations, 1943	43
The Society's Calendar, 1943	43
Examination Papers, 1942	43

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 8]

FEBRUARY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

January 14th.

The President in the Chair.

Present:—J. P. Carrigan, V.-P., John S. O'Connor, V.-P., W. L. Duggan, P. F. O'Reilly, E. F. Collins, Peter O'Connor, Hugh O'Donnell, G. Acheson Overend, M. G. R. Lardner, A. Cox, F. J. W. Darley, P. R. Boyd, L. E. O'Dea, W. G. Bradley, J. J. Bolger, J. T. Wolfe, Daniel O'Connell, W. J. Norman, H. P. Mayne, Seán Ó hUadhaigh.

The Council adopted the election of Messrs. Charles MacLaughlin, John Archer, George Murnaghan, James C. Taylor and Charles Thom as Extraordinary Members representing the Incorporated Law Society of Northern Ireland and of Messrs. John F. Foley, Edward Emerson, Frederick H. Hall, John J. Horgan and Barry M. O'Meara as Extraordinary Members representing the Southern Law Association.

Rent Collectors acting for Local Authorities.

The Privileges Committee reported that Senior Counsel had advised that by virtue of Section 257 of the Public Health Act, 1878, rent collectors duly authorised by local sanitary authorities are entitled to appear in Court and carry on proceedings for and in the name of such authorities without a solicitor, and that, by virtue of the County Management Act, 1940, the necessary authority to institute and carry on such pro-

ceedings can be properly conferred by written order of the County Manager under Section 19 of that Act.

February 4th.

The President in the Chair.

Present:—John S. O'Connor, V.-P., J. T. Wolfe, Roger Greene, P. F. O'Reilly, P. R. Boyd, L. E. O'Dea, Peter O'Connor, W. S. Huggard, H. P. Mayne, W. J. Norman, W. S. Hayes, C. G. Stapleton, F. J. Darley, Daniel O'Connell, A. Blood-Smyth, John J. Dundon, Seán Ó hUadhaigh, W. G. Bradley, Hugh O'Donnell, A. Cox, J. J. Bolger.

Vacancy on Council.

Mr. John J. Smyth, Drogheda, first in the supplemental list was co-opted to fill the vacancy caused by the death of Mr. Edward H. Burne.

District Court Rules Committee.

Mr. Patrick F. O'Reilly was nominated to fill the vacancy caused by the death of Mr. Edward H. Burne.

Solicitors' Bill.

A special meeting of the Council was held to consider the report of the sub-committee appointed to consider the suggestions made at the Special General Meeting of the Society on October 1st, and draft amendments giving effect to a number of their suggestions.

The report of the sub-committee was adopted and it was ordered that the draft bill as finally amended be reprinted. The President, Vice-Presidents, and Messrs Overend, Mayne, O'Dea, Ó hUadhaigh and Cox were appointed as a Committee to consider further arrangements.

OBITUARY.

MR. EDWARD H. BURNE, Solicitor, died on 20th January, 1943, at his residence, 20 Waterloo Road, Dublin, aged 62.

The late Mr. Burne served his apprenticeship to Mr. Arthur H. Burne, of Dublin, and was admitted in Michaelmas Sittings, 1903. He joined the firm of Gerald Byrne and Company with which he practised until his death. At the time of his death he was a member of the Council of the Society to which he was elected in 1916. He became President of the Society in 1928-29. For many years his counsel and advice on all matters affecting the profession and his sound commonsense in matters of business were unreservedly at the service of his colleagues and were highly valued by them. An outstanding advocate with wide experience of both the former and the present systems, his services were in demand both in the former Petty Sessions and in the District Courts. He was the author of the standard work published on the rules and practice of the District Court. He was the representative of the Society on the Rule-making Committee.

Outside his strictly professional activities, the late Mr. Burne was keenly interested in the work of many public and private charities, including the Solicitors' Benevolent Association, of which he was Deputy Chairman. His presence in the Courts and in the Council chamber will be sadly missed by his colleagues in the profession to which he gave many years of faithful service.

At the Meeting of the Council, on February 4th, a resolution was passed expressing sympathy with his widow and family.

The Council was represented at the funeral by Mr. John B. Hamill, President; Mr. John S. O'Connor, Vice-President; Messrs G. Acheson Overend, W. J. Norman, P. R. Boyd, P. F. O'Reilly, H. P. Mayne and E. A. Plunkett, Secretary.

MR. FRANCIS C. PILKINGTON, Solicitor, died in Dublin on 25th January, 1943.

The late Mr. Pilkington served his apprenticeship with the late Mr. Frederick G. Kerin, of Ennis. He was admitted in Trinity Sittings, 1901, and practised as the senior partner of the firm of McMahon and Tweedy, 13 Hume Street, Dublin, until his death.

SOLICITORS' BENEVOLENT ASSOCIATION.

Incorporated Law Society Centenary Annuity.

An Election will be held in March for this Annuity of £52. Annual Members of the Association will not be entitled to vote unless their subscriptions for 1943 are paid. Members and intending Members should therefore, without delay, send their subscriptions, £1 1s. 0d., or, if admitted less than three years, 10s. 6d., to the Secretary, 22, Nassau Street, Dublin.

CURRENT TOPICS.

Effect of Adjudication of Bankruptcy in England.

The decision of the Supreme Court in the case of *in re Reilly*, a bankrupt in England (1942 I.R. 416), seriously affects purchasers of land and Solicitors acting for them. Briefly the effect of the decision of the Court appears to be that an adjudication in England of bankruptcy against the owner of unregistered land in Eire vests the legal estate in such land forthwith in the English Trustee, without the necessity of an Order of the Irish Court or of any registration in the bankruptcy office here or in the Registry of Deeds. As regards registered lands the opinion of the Court was equally divided. Unless special legislation is enacted it would appear that a purchaser of unregistered land will not be safe in paying over the purchase money without first instituting searches against the Vendor in the various bankruptcy offices in England and Wales. As regards registered land, the legal position is uncertain, two judges of the Supreme Court (Sullivan, C. J., and O'Byrne, J.), having held that the mere fact of adjudication of bankruptcy

in England operated to give the English Trustee priority over persons claiming an equitable deposit of the Land Certificate from the owner without notice of the bankruptcy, and two judges (Meredith and Geohegan, J. J.), having held the opposite. The resulting position is most embarrassing to purchasers and raises a problem, the answer to which lies with the legislature.

Personal liability of Vendor's Solicitor for non-disclosure to Purchaser.

The recent English decision in *District Bank Ltd. v. Luigi Grill Ltd. and others* (168 L.T.R. 53) deals with the liability of a solicitor acting for the vendor or mortgagor in a conveyancing matter for the concealment from the purchaser or mortgagee of any instrument or incumbrance material to the title. Under Section 183 (1) of the Law of Property Act, 1925, any person disposing of property for moneys worth to a purchaser, or the solicitor of such a person, who conceals from the purchaser any instrument or incumbrance material to the title with intent to defraud is guilty of a misdemeanour. Under Section 183 (2) any such person or her solicitor is also liable to an action for damages for loss sustained by reason of the concealment of the instrument or incumbrance. In the above reported case the first defendants had charged, by way of legal mortgage, in favour of the plaintiffs as security for £36,000, certain premises which, shortly prior to the date of the mortgage, had been subdemised to sublessees. As part of the terms of the sublease the sum of £4,500, being three year's rent was paid in advance by the sublessees to the first defendants. The second defendants were the solicitors who had acted for the lessees at the granting of the sublease and had also acted for them in connection with the mortgage to the plaintiffs. The underlease was abstracted for the mortgagee but the fact that three years' rent under the sublease had been paid in advance was not mentioned. The mortgagee suffered loss and instituted proceedings joining the solicitors as co-defendants. It was held that assuming there had been concealment of an instrument or incumbrance (which was not decided) no civil action for damages lay

against the solicitors unless the concealment was with intent to defraud. The action against them was dismissed. The Law of Property Act, 1925, does not apply to this country, but Section 183 thereof is very similar to although not identical in terms with Section 24 Law of Property Act, 1859, as amended by Section 8 Law of Property (Amendment) Act, 1860.

AN ARD-CHUIRT AR CHUAIRD

THE HIGH COURT ON CIRCUIT.

EASTERN CIRCUIT.

- Wicklow*—At Wicklow, Monday, March 8, at 11 o'clock.
Wexford—At Wexford, Tuesday, March 9, at 11 o'clock.
Waterford—At Waterford, Thursday, March 11, at 11 o'clock.
Tipperary (South Riding)—At Clonmel, Friday, March 12, at 11 o'clock.
Tipperary (North Riding)—At Nenagh, Monday, March 15, at 11 o'clock.
Offaly—At Tullamore, Thursday, March 18, at 11 o'clock.
Leix—At Portlaoighise, Friday, March 19, at 11 o'clock.
Kilkenny—At Kilkenny, Monday, March 22, at 11 o'clock.
Carlow—At Carlow, Tuesday, March 23, at 11 o'clock.
Kildare—At Naas, Friday, March 26, at 11 o'clock.

Judge:

MR. JUSTICE GEOGHEGAN.

SOUTHERN CIRCUIT.

- Clare*—At Ennis, Tuesday, March 9, at 11 o'clock.
Limerick—At Limerick, Wednesday, March 10, at 11 o'clock.
Kerry—At Tralee, Friday, March 12, at 11 o'clock.
Cork—At Cork, Thursday, March 18, at 11 o'clock.

Judges:

THE PRESIDENT OF THE HIGH COURT,

MR. JUSTICE OVEREND.

WESTERN CIRCUIT.

Longford—At Longford, Tuesday, March 9, at 11 o'clock.

Leitrim—At Carrick-on-Shannon, Wednesday, March 10, at 11 o'clock.

Sligo—At Sligo, Thursday, March 11, at 11 o'clock.

Mayo—At Castlebar; Saturday, March 13, at 11 o'clock.

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

Roscommon—At Roscommon, Monday, March 22, at 11 o'clock.

Judges :

MR. JUSTICE O'BYRNE.

MR. JUSTICE MARTIN MAGUIRE.

NORTHERN CIRCUIT.

Meath—At Trim, Tuesday, March 9, at 11 o'clock.

Westmeath—At Mullingar, Wednesday, March 10, at 11 o'clock.

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

Monaghan—At Monaghan, Monday, March 15, at 11 o'clock.

Donegal—At Letterkenny, Saturday, March 20, at 11 o'clock.

Louth—At Dundalk, Thursday, March 25, at 11 o'clock.

Judge :

MR. JUSTICE BLACK.

Solicitors' Certificates of Admission.

Solicitors having apprentices about to apply to be admitted are requested to direct their attention to the necessity of stating their full Christian names on the parchment certificate, both in English and Irish. Where several Christian names appear on the parchment they should all be stated in full and not merely indicated by the initial letters.

APRIL EXAMINATIONS, 1943.

A Final Examination will be held on the 1st and 2nd days of April, in the Solicitors' Buildings, Four Courts, Dublin. Notice of intention to attend the examination should be lodged in the Secretary's Office before 11th March.

A Preliminary Examination will be held on the 5th and 6th days of April in the Solicitors' Buildings, Four Courts, Dublin. Notice of intention to attend the examination should be lodged in the Secretary's Office before 15th March.

THE SOCIETY'S CALENDAR, 1943.

The Calendar of the Society for 1943 can be obtained in the Secretary's Office, price 5/-; by post 5/6.

EXAMINATION PAPERS, 1942.

A pamphlet containing copies of the papers set at all the examinations held by the Society in 1942, can be obtained in the Secretary's Office, price 2s., post free.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 9]

MARCH, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Current Topics	46
The Society's Gazette	46
Registration of Title Act, 1942	46
Landlord and Tenant (Amendment) Bill, 1942	46
Accidental Fires Bill, 1943	46-47
Taxation of Costs	47
Construction of word "money" in Wills	47
Obituary	47
Easter Sittings, 1943	47
Easter Sittings Lectures, 1943	47
Results of Examinations	47
"First" Examination in Irish	47
"Second" Examination in Irish	48
The Society's Calendar, 1943	48
Examination Papers, 1942	48

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 9]

MARCH, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CURRENT TOPICS.

The Society's Gazette.

A Committee of the Council recently considered whether any and if so what steps could be taken to make the GAZETTE of greater utility and interest to the profession. The Report of the Committee which was adopted by the Council recommended *inter alia* that members of the Society should be invited to contribute items of professional interest for publication in the GAZETTE. It was also decided to ask the various Bar Associations throughout the country to keep in touch with the Society through the GAZETTE and to contribute for publication notes of their proceedings and activities and items of general interest. It is hoped that the members of the Society will act on this invitation and in this way co-operate in making the GAZETTE of greater interest to the profession.

Registration of Title Act, 1942.

The above Act became law on 15th December, 1942. Its provisions materially affect the law relating to registered land and should be noted by solicitors.

Landlord and Tenant (Amendment) Bill, 1942.

The above Bill as introduced in Dail Eireann is designed to amend Section 46 of the Landlord and Tenant Act, 1931, in so far

as it defines the term building lease. Under the present definition of a building lease the land thereby demised must be situated wholly in an urban area. The effect of the amending Bill, if enacted, will be to include leases of land situate outside urban areas not exceeding one statute acre in area. The Bill contains further provisions applicable to cases where permanent buildings have been erected upon land and it is alleged that they were so erected in pursuance of an agreement for a lease to be executed upon the erection of such buildings. Where express evidence of such agreement is not available but it is shown that the buildings were erected by the person to whom the lease was in fact subsequently made the Bill provides that the Court must presume that they were erected in pursuance of such an agreement. In any case to which the foregoing provision does not apply the Court after hearing the available evidence may make such a presumption if it thinks fit.

Accidental Fires Bill, 1943.

This Bill has just been introduced in Dail Eireann in order to remedy the situation created by the decision of the Supreme Court in *Richardson and Webster v. Athlone Woollen Mills* (77.I.L.T.R.27). The Bill provides that where any person has suffered damage by reason of the occurrence of accidental fire on the building or land of another no legal proceeding shall be instituted in any

court by the injured person or his insurer against such other person on account of such damage. The term building is to include any structure of whatever material or for whatever purpose used. The Act is to be retrospective and will repeal the Accidental Fires Act, 1715.

Taxation of Costs.

The Taxing Masters have made a rule requiring solicitors to lodge their annual practising certificates for noting in the Taxing Master's Office before Bills of Costs lodged by them are taxed. No Bill will be taxed until the solicitor concerned produces his practising certificate or certificates in respect of the period covered by the Bill. The Society has been informed by the Taxing Masters that it will be sufficient if solicitors produce their certificates for recording by the office once at the commencement of each year.

Construction of word "money" in Wills.

The House of Lords in *Perrin and Others v. Morgan* (59.T.L.R.134) has decided that the word "money" when found in a will is capable of various meanings and that the Court is not bound to construe the term in what was described as its strictly legal meaning of cash in hand or in the bank. Simon, L. C. referred to what he called the pungent and entertaining judgment of Meredith, J., in *In re Jennings* (1930. I.R.200) in which his lordship observed that the judiciary had waged a long fight to teach testators that "money" meant "cash," but that as the ordinary testator who made his own will did not read the law reports he persisted in constantly using the word in a wider sense, and that it was time that in such cases a popular meaning prevailed over the "legal" one. The decision of the House of Lords has overruled previous English decisions several centuries old and it is interesting to find that in doing so it has adopted the view held by the late Mr. Justice Meredith in 1930. Lord Russell of Killowen and Lord Romer, while in agreement with the conclusion of Simon, L. C. and Lord Atkin, held that the rule of construction referred to should not be disturbed, but that in its application it should be made to yield to the context in which the term "money"

is used. The report of this decision should be read for a complete understanding of its effect.

OBITUARY.

MR. JAMES P. RINGWOOD, Solicitor, died on 23rd February, 1943, in Dublin.

Mr. Ringwood was admitted in Hilary Sittings, 1884, and practised as a partner in the firm of Messrs. Baker, Ringwood and Gordon, at 5 Clare Street, Dublin, up to the year 1939, when he retired.

EASTER SITTINGS, 1943.

High Court Easter Sittings begin on Thursday, the 15th day of April.

EASTER SITTINGS LECTURES, 1943.

The Junior Class Lectures begin on Thursday, the 15th day of April, at 2.15 p.m. The Senior Class Lectures begin on Friday, the 16th day of April, at 2.15 p.m.

RESULTS OF EXAMINATIONS.

At examinations held on the 5th and 6th February under the Legal Practitioners' (Qualification) Act, 1929, the following passed the examinations:—

"First" Examination in Irish.

Gerald A. Allen.
James C. Brennan.
Michael T. B. Davis.
C. Hugh Doyle.
John M. Flanagan.
Daniel O. Healy.
Thomas R. R. King.
James G. Lyons.
Florence G. McCarthy.
Brigid P. Power.
Patrick Shannon.

Eleven candidates attended; eleven passed.

"Second" Examination in Irish.

Raymond V. H. Downey.
Philip A. E. Gallagher.
Simon T. T. Kelly.
Frédéric A. F. Lyons.
Caoimhghin MacCathmhaoil.
Kevin P. McMorrow.
Stephen A. Murtagh.
Louis V. Nolan.
Kevin J. O'Shaughnessy.
George C. Stapleton.
Walter P. Toolan.

Fifteen candidates attended; eleven passed and four failed.

CALENDAR, 1943.

The Calendar of the Society for 1943 can be obtained in the Secretary's Office, price 5/-; by post 5/6.

EXAMINATION PAPERS, 1942.

A pamphlet containing copies of the papers set at all the examinations held by the Society in 1942, can be obtained in the Secretary's Office, price 2/- post free.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 10]

APRIL, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	50
Obituary	50
Current Topics	50
Judges, Juries and Insurance Companies	50-51
Statutory Notice to Creditors	51
District Court Rules	51
Decision on Costs—Workmen's Compensation Rules, 1942	51-52
Legal Appointment	52
Solicitors' Benevolent Association	52
June Examinations, 1943	52

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVI, No. 10]

APRIL, 1943

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL.

18th March.

The President in the Chair.

Present: J. P. Carrigan, V.P.; John S. O'Connor, V.P.; G. A. Overend; William J. Norman; William L. Duggan; William S. Hayes; Cecil G. Stapleton; Henry P. Mayne; Sean O hUadhaigh; P. R. Boyd; Eugene F. Collins; A. Cox; Patrick F. O'Reilly; F. J. W. Darley; Roger Greene; Hugh O'Donnell.

Land Registration Fee Order, 1937.

The Secretary was instructed to write to the Departments of Justice and Finance pointing out certain inequitable provisions in the above Order in the assessment of fees payable to the Land Registry and requesting that the matter should be rectified.

Lease of Solicitors' Buildings.

The House, Library and Finance Committee was authorised to deal with and conclude the terms of the proposed lease from the Commissioners of Public Works to the Society of the Solicitors' Buildings.

OBITUARY.

We regret to have to record the death of Mr. James Wood who was known to several generations of Solicitors as the Society's hall-porter and caretaker. He was in the

employment of the Society for almost fifty years, having been appointed on the 10th October, 1891 and was a highly esteemed and popular figure with the profession. He retired on pension in December, 1939, and spent the last twelve months in a Nursing Home in Dublin where he died on the 2nd April, 1943.

CURRENT TOPICS.

Judges, Juries and Insurance Companies.

No rule of conduct is better known than that whereby a jury must not be informed that one of the parties to an action before them is entitled to be indemnified by an Insurance Company against any damages awarded in the action. The Rule is based upon the fact shown by experience that juries are liable to be prejudiced if they are aware that there is in existence such a policy of insurance. In the recent English case of Harman v. Grilly and Others (59.T.L.R.96), an action for Trial by Judge without a Jury, it was sought to bring in by third party notice an Insurance Company by which the defendant claimed he was entitled to be indemnified under a policy of Insurance. The motion was resisted by the Insurance Company on the ground, *inter alia*, that the trial would be likely to be prejudiced if it were brought to the mind of the Judge that the defendant was entitled to the benefit of a contract of Insurance. This objection was

overruled by the English Court of Appeal, Greene, M. R. protesting against the idea that Judges are liable to have their minds prejudiced by considerations of the kind described. It was, he stated, the duty of the Judge, which would be fulfilled, not to allow the result of one issue to affect his mind in considering the result of another. In an earlier case of *Carpenter v. Ebbelwhite* (1939 I.K.B. 347), one of the Judges, Greer, L. J., expressed the view that the reason for the Rule no longer exists in the case of trial of motor accident cases before Juries having regard to the fact that every Juror must be known to be aware of the Statutory provisions concerning compulsory insurance by motorists against third party liability. On the question of judicial practice it is worth noting that the two Circuit Judges in Dublin several years ago made a rule that in cases being tried before either of them without a Jury in which money has been paid into Court with the defence, the amount paid into Court is to be left blank by the Court Officials in the copy of the defence attached to the file of pleadings in Court, so that the amount paid into Court is not brought to the attention of the Judge before judgment has been delivered.

Statutory Notice to Creditors.

We have received a letter from Mr. James R. Ryan of 9 Harcourt Street, Dublin, stating that the prevalent practice of publishing the Statutory Notice to Creditors in the *Iris Oifigiuil* is based on a misapprehension of the law and is, in fact, an unauthorised expenditure of funds by an Executor or Administrator. He points out that the method of publication is laid down in 22 and 23 Vic. cap. 35, Section 29. By this Section it is provided that where an Executor or Administrator shall have given such or the like notice as in the opinion of the Court would have been given by the Court of Chancery in an Administration suit for creditors and others to send in their claims against the estate, such Executor or Administrator shall at the expiration of the time named in the said Notice be at liberty to distribute the assets having regard only to the claims of which he shall have received notice. The present practice of the High Court in Administration Suits, is to direct publication twice each at intervals of one week in one Dublin and one local news-

paper. Publication is not directed in *Iris Oifigiuil*. Mr. Ryan further states that in a Bill of Costs in which his firm was concerned some years ago the expenses of publication in *Iris Oifigiuil* were opposed on taxation and disallowed by the Taxing Master. The legal position as to the proper method of publication appears to be as stated by our member, but those interested in the matter will, no doubt, take an opportunity of verifying it for themselves. Whether publication in *Iris Oifigiuil* is, as he states, an unauthorised expenditure of funds by a personal representative is a point which seems to be open to argument.

District Court Rules.

The District Court Rules Committee, with the concurrence of the Minister for Justice, has made new Rules entitled *District Court Rules, 1942* (S. R. & O., 1942, No. 299) regulating the procedure under the Enforcement of Court Orders Act, 1926 and 1940. The *District Court Rules, 1941* (No. 2) (S. R. & O., No. 337 of 1941) are revoked. The Committee has also made new Rules entitled *District Court Rules, 1942* (No. 2) (S. R. & O., 1942, No. 144) prescribing forms to be used in proceedings under Children Acts, 1908-1941, in lieu of the forms contained in the Schedules to the Rules made on 31st July, 1909, under the Children's Act, 1908.

Decision on Costs—Workmens' Compensation Rules, 1942.

In the recent case of *Behan v. Grand Canal Company* (77.I.L.T.R.36) Judge Davitt had to decide on an application under Rule 51(7) of the Workmen's Compensation Rules, 1942, for additional remuneration over and above the applicant's scale costs, in view of additional work entailed in the preparation and institution of the proceedings due to the fact that the workman was a person of unsound mind. The Respondents at first denied liability, but after service of the originating summons had filed a defence admitting liability to make the maximum weekly payment and had paid into Court the full amount of the arrears with the applicant's appropriate scale costs. Judge Davitt held that Rule 51(7) contemplates an award of costs to a party as a condition precedent to the allowance of additional remuneration and that as the applicant was

entitled as of right to his costs up to the filing of the defence he was not a person to whom costs had been awarded. The award of costs presupposed an issue as to the applicant's right to same and as there was no issue as to the applicant's right to his initial costs the Court was reluctantly compelled to dismiss the application for additional remuneration.

LEGAL APPOINTMENT.

Mr. Donnchadh UaDonnchadha has been appointed an Acting District Justice. Mr. UaDonnchadha was admitted a Solicitor in Easter Sittings, 1933, and for some years practised at 16 Nassau Street, Dublin. He was appointed Assistant Solicitor in the Office of the Chief State Solicitor and for the past six years has been engaged principally in the conduct of proceedings on behalf of the State in the Metropolitan and County Dublin District Courts.

SOLICITORS' BENEVOLENT ASSOCIATION.

The Law Society's Centenary Annuity of £52 per annum, which was instituted to commemorate the Society's Centenary and which is administered by the Solicitors' Benevolent Association, has been awarded as the result of an election by the members of the Association to Mrs. Florence Roche, widow of the late David Roche, Solicitor of Tralee and Castleisland, Co. Kerry.

JUNE EXAMINATIONS, 1943.

An Intermediate Examination will be held on Tuesday, the 1st June. Notice of intention to attend should be lodged before 12th May.

First and Second Irish Examinations will be held on Friday and Saturday, the 4th and 5th days of June. Notice of intention to attend should be lodged before the 15th May.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVII, No. 1]

MAY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meeting of the Council	2
Apprentices in the Defence Forces	2
Legal Education	2
State Aid for Prisoners	2
Unqualified Person	2
Obituary	2
Professorship of Common Law	3
Examinations Results	3-5
Current Topics	5
Landlord and Tenant (Amendment) Act, 1943	5
Solicitors and Stockbrokers	5-6
Legal Appointments	6
June Examinations, 1943	6

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVII, No. 1]

MAY, 1943

[FOR CIRCULATION
AMONGST MEMBERS

MEETING OF THE COUNCIL.

29th April, 1943.

The President in the Chair.

Present : J. P. Carrigan, Vice-President ; J. S. O'Connor, Vice-President ; G. A. Overend ; Daniel O'Connell ; William J. Norman ; H. P. Mayne ; F. J. W. Darley ; S. Ó hUadhaigh ; J. J. Bolger ; C. G. Stapleton ; W. G. Bradley ; M. E. Knight ; P. R. Boyd ; P. F. O'Reilly ; E. F. Collins ; H. O'Donnell ; Peter O'Connor ; L. E. O'Dea ; R. A. Macaulay ; J. J. Smyth ; H. St. J. Blake ; J. Travers Wolfe ; A. Cox ; Roger Greene.

Apprentices in the Defence Forces.

It was decided to ask the Government to make an Order under the Emergency Powers Act, 1939, entitling the Council, at their discretion, in cases where they are satisfied that a solicitor's apprentice has, during the period of his indentures, served in the Defence Forces of the State or in any public service connected with the present emergency, declaring that the period of such service shall for all purposes be reckoned as time duly served under his indentures of apprenticeship.

Legal Education.

A Committee of the Council was appointed to consider the education, training and discipline of solicitors' apprentices and to report to the Council as to what changes, if any, should be made in the present system.

State Aid for Prisoners.

The Council considered the report of a deputation of the Council which interviewed the Attorney General with a view to securing more adequate remuneration for solicitors defending prisoners on assignments. Further consideration of the report was adjourned pending a communication from the Attorney General.

Unqualified Person.

The Secretary reported that he had submitted a case to Counsel for advice as to the institution of proceedings against an unqualified person under Section 53 Solicitors' (Ireland) Act, 1898.

OBITUARY.

MR. MICHAEL HEARTY, Solicitor, died in New Zealand as a result of an air accident on the 21st December, 1942.

Mr. Hearty served his apprenticeship to the late Mr. Levins J. O'Reilly, of Dublin, and practised at 17 Parliament Street, Dublin, up to the year 1927.

MR. HUGH C. COCHRANE, Solicitor, died on 7th May, 1943, in Dublin.

Mr. Cochrane served his apprenticeship to Mr. Robert A. Wilson, Londonderry, was admitted in Michaelmas Sittings, 1897, and practised in Strabane up to the year 1910, when he was appointed Sheriff for County Donegal.

PROFESSORSHIP OF COMMON LAW.

The Council invite applications from Solicitors for the Office of Professor of Common Law to the Society. Particulars of duties can be obtained from the Secretary.

The newly-elected Professor will enter on his duties next October. The appointment will be made for one year and the person appointed will be eligible for yearly re-appointment for each of the four succeeding years.

Applications will be received up to June 9th, 1943, and should be addressed to the Secretary, Incorporated Law Society of Ireland, Solicitors' Buildings, Four Courts, Dublin.

EXAMINATIONS RESULTS.

The President, addressing Solicitors' apprentices and intending apprentices in announcing the results of the Preliminary and Final Examinations, held in April, 1943, said:—

Before reading the results of the recent Preliminary and Final Examinations, I must inform the students present, and in fact, announce that the Court of Examiners have approved of a regulation prohibiting any disclosure of results before the Council of the Law Society has considered and adopted the report of the Court of Examiners. This regulation, enforceable from now onwards, ends a custom which was increasing, whereby students, by various means, obtained advance information.

It is the desire of the Council that the announcement of results should be regarded as a ceremony of importance to our students, who have not the advantage of any formal admission and that on the occasion of such announcement, the President of our Society will deliver a short address to the students.

To those who have passed their Preliminary Examination, I would wish them every success in their work and study. I wish to impress on them the necessity for regular attendance in the office where they intend to serve their apprenticeship, and in the case of students who will serve their apprenticeship in country offices to impress upon them the necessity of regular attendance in the Town Agent's office in the city during the period that they will be in Dublin for the lectures. By this means they will obtain, provided they take

an interest in the work in the office in which they are apprenticed, a very excellent knowledge of practice, a knowledge which will enable them to be much more proficient when they qualify, as many newly-qualified solicitors are not at the moment. I also desire to impress upon them the necessity of regular and punctual attendance at the lectures given by this Society and the exercise by them of restraint and discipline at these lectures. Many of these students, I know, will also attend lectures at the Universities, and if they intend to profit by these lectures, together with the lectures they will receive here, they must be regular in their attendance and attentive to the subject of the lectures. It is hoped that shortly, further facilities will be available to our students for a more intensive study of the practice which they will need in the days when they are qualified, and also to a more beneficial legal course.

It is only fitting that I should recommend every apprentice, when he is in Dublin, to become a member of the Solicitors' Apprentices Debating Society. This Society is worthy of support because it affords ample opportunities to its members to become experienced in public speaking and debates. You will also benefit by the social activities of the Society.

For some number of years, our examination results have not been satisfactory, in as much as very few honours have been secured. I would therefore urge those of you who are now entering their student days to endeavour to acquire such an excellent knowledge of both theory and practice, that our future examination results will disclose a more happy result.

Many present are awaiting the results of the Final Examination, and to those who have passed that Examination I desire to extend very hearty congratulations and every good wish to them in the life that lies ahead. It is not out of place to impress upon the students who have now qualified that they are entering a profession with a very great history and splendid traditions. If this profession is to hold the respect and the esteem of the people whom we serve, it will depend entirely on the conduct and the manner in which the younger practitioners conduct their business and the relations they will maintain with the public, whom they will serve, and their fellow-members in the

profession. Every solicitor should place before him the ideals of truth and honesty and never vary, no matter what the temptations may be, from the strict path of proper conduct in the cases that may be entrusted to them, and of strict accounting to their clients for any money which they may receive. I expect that those who will enter the profession, shortly after the results are announced to-day, will use every possible endeavour to live up to the traditions of the past, maintain the credit and the stability of our profession, and endeavour to retain the high place we hold in the country. One of the essential things is to remember that we are not a business, but a profession, and that while we must be fair and honourable in all our dealings with the public, we must also be fair and honourable as regards our brother solicitors.

I know that there is always a temptation for a young man to make every effort to obtain business, but this effort should not go to the extent of doing his brother solicitors harm and of deliberately, directly or indirectly, canvassing their clients. Where such practices creep into a district it means that there is no such thing as honourable practices left among the solicitors in that district, and where one member starts in unfair practices it means that other members will be tempted to follow to safeguard their interests.

The start of a professional career is difficult, but there is always an opening in every district for a young able man, who is determined to succeed. He should build up for himself a reputation for hard work and a desire to assist his clients in the best possible manner, and also a reputation for honesty and fair dealing. By this means in the course of a year or so, any young solicitor should be able to make a reasonable success of the start of his practice, and he should always remember that, while he is only commencing, one day in the not very distant future he will be a senior member of the profession and one who must give a good example to those who are entering the profession. I wish each and every one of you a very happy and a very successful career.

To those who have failed I would appeal to them not to be discouraged but to remember that there is always another chance coming, and if they will continue their studies and

give some more application than they have given up to the present, it may be expected that at the next announcement, their names will figure among the successful candidates.

Tá an t-am tagaithe anois nuair nach foláir díbh sgaradh o'n a chéile agus bhúr slighthe éagsamhla a ghabháil san saoghal. Sibh-se gur eirigh an scrúdú libh is ri-mhaith ata tóradh bhúr saothar tuillte agaibh agus nil puinn innighe orm acht go n-eireochaidh go seoidh libh san slighe-bheatha uasal ata toghtha agaibh agus go gcomhlíonfaidh sibh i gcómhnaidhe cuspóiri uasile an tslighe-bheatha san.

Agus díbh-se nár eirigh libh de'n babhta seo sé deirim libh gan lag-mhisneach a bheith oraibh mar gur iomdha duine rómhaibh a theip scrúdu air agus nac raibh pioc níos measa dá bharr.

Saoghalta fada fé rath agus fé shonas do gach uile duine agaibh agus go n-eirigh an t-ádh go h-áluinn libh uilig.

At the Preliminary Examination for intending apprentices to Solicitors held on 5th and 6th April, the following passed the examination and their names are arranged in order of merit:—

1. James C. Brennan.
2. John J. Daly.
3. C. Hugh Doyle.
4. Florence G. McCarthy.
5. Joseph D. Simon.

Ten candidates attended; five passed; five were postponed.

At the Final Examination for Apprentices to Solicitors, held on 1st and 2nd April, the following passed the examination and their names are arranged in order of merit:—

1. Brendan P. O'Byrne, B.A., N.U.I.
2. Caleb C. McCutcheon.
3. Patrick M. K. Johnson.
4. Liam M. Collins } Equal.
- Michael T. Neary }
6. George A. Russell.
7. John M. O'Shea.
8. Robert W. R. Johnston, B.A., T.C.D.
9. Arthur T. J. O'Connor.
10. Maurice J. Kenny.
11. Henry M. Sheehy.
12. Diarmuid Rosney.

13. Patrick I. Pettit.
14. Patrick J. B. Keane.
15. Charles S. Reddy.
16. Randal Counihan.
17. Joseph G. O'Shea.
18. James H. West.
19. Philip O. O'Loughlin.
20. James Neville
- Paul G. C. L. Whitsitt } Equal.
22. Roderick J. O'Connor.

Thirty-two candidates attended; twenty-two passed; ten were postponed.

The Council has awarded a Silver Medal to Brendan P. O'Byrne, B.A., N.U.I., and Special Certificates to Caleb C. McCutcheon and Patrick M. K. Johnson.

CURRENT TOPICS.

Landlord and Tenant (Amendment) Act, 1943.

In the March number of the GAZETTE we published a short note entitled "Landlord and Tenant (Amendment) Bill, 1942." This Bill became law on 27th April, 1943. As enacted it bears little resemblance to the measure originally introduced in Dail Eireann which was the subject of the previous note in the GAZETTE. It is entitled "An Act to amend Section 46 of the Landlord and Tenant Act, 1931," and the following is a very brief summary of its main provisions: (1) The definition of a building lease is extended to embrace land situate outside urban areas provided that it was demised under a lease for not less than 20 years. (2) Where a lease (termed a "partly built lease") would be either a building lease or a proprietary lease but is excluded either by reason of the non-completion of the buildings agreed to be erected thereon, or because some of such buildings were not erected in pursuance of an agreement for the grant of a lease on their erection, the Act provides for the creation of two notional leases, one called the "built on lease," and the other "the vacant lease." The built-on lease, which will comprise so much of the land in the partly built lease, as is covered by buildings and also the land ancillary and subsidiary thereto, will, under certain conditions, acquire the benefits of part V of the Act of 1931. The rent, covenants and conditions of the partly-built lease will be apportioned between the lands comprised in the built

on lease and the vacant lease in proportion to their respective areas. (3) Lessees under leases which expired before the passing of this Act, but which, if they had not so expired, would have been entitled to the benefit of the Act, can, under certain conditions, preserve their rights. It is important to note that the period during which the lessee under such an expired lease is entitled to obtain a reversionary lease is limited to six months from the 27th April, 1943, the date of passing of the Act, and solicitors who may have such leases in their safes would be well advised to inform themselves without delay of the provisions of the Act and their clients' possible rights thereunder. (4) The fact that the lessee under such an expired lease has before the passing of the Act accepted a new lease from his lessor will not of itself deprive him of the benefits of the Act if the terms of such lease are less favourable than those of a reversionary lease. (5) The Court is empowered to presume that buildings erected by the person in occupation of an agreement for a lease, where such lease was in fact subsequently granted, even in the absence of direct evidence of such an agreement. The foregoing does not purport to be a complete summary but it may be sufficient to indicate the importance of the matter to solicitors, particularly having regard to possible loss of clients' rights through lapse of time.

Solicitors and Stockbrokers.

Where a solicitor in the course of his business instructs stockbrokers to sell stock or shares, the property of a client or other third party, is he liable to indemnify the brokers as principal or is his liability only that of an agent? This was one of the questions raised in the recent case of Hichens Harrison, Woolston & Co. v. Jackson & Sons (59 T.L.R. 112). The defendants were solicitors who had instructed the plaintiff stockbrokers to sell stock registered in the name of a third party by letter in the following terms:—

"Dear Sirs,

We enclose herewith certificates for £250 Consolidated Ordinary Stock in the Bristol Waterworks together with blank transfer duly executed. We shall be obliged if you

will realise the stock for the best price obtainable and let us have cheque in due course.

Yours faithfully,

Jackson & Sons."

The plaintiffs sold the stock but before the transfer could be registered, the registered owner, a Miss Lucas, objected to the registration of the transfer with the result that the Company refused to act on same. The plaintiffs suffered damage and held the defendants responsible to indemnify them as principals. The contract note sent by the plaintiffs to the defendants was headed "Sold for account of Messrs. Jackson & Sons. Commission divisible with above firm. Miss E. A. Lucas." It was proved on behalf of the defendants that the stock certificate was in the name of Miss Lucas, that the letter written by the stockbrokers with the contract note was headed "A/c. Miss E. A. Lucas," and that the contract note stated that the commission was to be shared between the defendants, and the plaintiffs, and these facts were relied upon as showing that the plaintiffs dealt with the defendants as agents for a disclosed principal. The House of Lords rejected this argument, holding that none of these facts was sufficient to displace the written authority contained in the defendants' letters quoted above and accepted by the defendants and that they were therefore liable to indemnify the plaintiffs. Per Lord Atkin: "The fact that the plaintiffs supposed that the solicitors were acting for a client or knew that they were or even knew that the client was Miss Lucas (which is certainly doubtful) would have no effect to indicate that the plaintiffs were regarding the defendants as anything but principals as against them."

LEGAL APPOINTMENTS.

MR. GEORGE H. POLLOCK, Secretary of the Incorporated Law Society of Northern Ireland, has been appointed Clerk of the Crown and Peace for Belfast and County Antrim in succession to Mr. R. A. Corscadden, now Chief Crown Solicitor for Northern Ireland.

Mr. Pollock was admitted a Solicitor in Easter Sittings, 1917, and practised in Belfast up to the year 1924, when he was appointed Secretary of the Incorporated Law Society of Northern Ireland.

MR. RALPH S. NELSON, Solicitor, has been appointed temporarily to succeed Mr. Pollock as Secretary of the Incorporated Law Society of Northern Ireland.

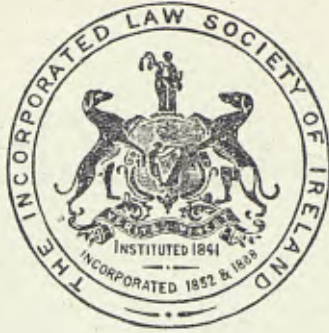
Mr. JAMES A. GEARY has been appointed Solicitor to the Department of Posts and Telegraphs. Mr. Geary was admitted in Michaelmas Sittings, 1930. He practised at 6 Clare Street, Dublin, and was subsequently appointed Assistant Solicitor in the office of the Chief State Solicitor. He is a member of the Society.

JUNE EXAMINATIONS, 1943.

An Intermediate Examination will be held on 1st June.

First and Second Examinations in Irish will be held on 4th and 5th June.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVII, No. 2]

JUNE, 1943

[FOR CIRCULATION
AMONGST MEMBERS

CONTENTS.

	PAGE
Meetings of the Council	8
Irish Land Commission	8
Unqualified Person	8
Search Fees	8
Registry of Deeds	8
Half-yearly General Meeting	8-9
The President's Speech	9-12
Certificate of Discharge of Income Tax	12
Increase of Workmens' Compensation Weekly Payment	12-13
Presentation to Mr. Cecil Baillie-Gage	13
Legal Appointment	13
Obituary	13

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. XXXVII, No. 2]

JUNE, 1943

[FOR CIRCULATION
AMONGST MEMBERS

MEETINGS OF THE COUNCIL.

13th May, 1943.

The President in the Chair.

Present:—John S. O'Connor, Vice-President; P. R. Boyd; Peter O'Connor; E. F. Collins; C. G. Stapleton; W. J. Norman; M. E. Knight; W. S. Hayes; Daniel O'Connell; Sean Ó hUadhaigh; P. F. O'Reilly, J. J. Smyth; A. Cox; H. P. Mayne.

Irish Land Commission.

The Secretary was directed to communicate with the Irish Land Commission regarding complaints as to alleged delay in the issuing of certificates of redemption value of annuities by that Department.

Unqualified Person.

The opinion of Counsel on a case submitted to him for advice as to the institution of proceedings against an unqualified person was received and it was ordered that proceedings be instituted in accordance with Counsel's opinion.

3rd June, 1943.

The President in the Chair.

Present:—John S. O'Connor, Vice-President; W. S. Hayes; E. F. Collins; J. Gillespie; J. Travers Wolfe; Sean Ó hUadhaigh; C. G. Stapleton; G. Acheson Overend; Daniel O'Connell; W. J. Norman; M. E. Knight; H. P. Mayne; P. F. O'Reilly; R. A. Macaulay; A. Cox; P. R. Boyd; F. J. W. Darley; Hugh O'Donnell.

Search Fees.

A Report from a Committee of the Council proposing general principles with reference to search fees for documents was adopted. This report will be published very shortly in the GAZETTE.

Registry of Deeds.

A proposal that Common Searches in the Registry of Deeds on the sale of property should be continued by the Registry officials so as to include the deed of conveyance to the purchaser was referred to a Committee of the Council for a report as to its advisability and as to the fees chargeable for such continuation searches.

HALF-YEARLY GENERAL MEETING.

A Half-yearly General Meeting of the Society was held on Monday, the 17th May, 1943, in the Solicitors' Buildings, Four Courts, Dublin, the President, Mr. John B. Hamill in the chair. The following members were also present:—P. R. Boyd, Arthur Cox, F. J. W. Darley, W. S. Hayes, H. P. Mayne, W. J. Norman, Daniel O'Connell, Sean Ó hUadhaigh, P. F. O'Reilly, C. G. Stapleton, C. M. Gore-Grimes, C. J. Gore-Grimes, James Fagan, James Fagan, Junr., Lucy Fagan, J. T. Hamerton, John F. Donovan, D. D. MacDonald, D. R. Pigot, G. E. Grove White, Samuel Hayes, Thos. O'Neill, T. D. McLoughlin, J. E. Hamerton, H. D.

Hurley, Desmond Moran, J. Blood-Smyth, Denzil O'Donnell, P. K. M. Carey, C. McGonagle, A. Marshall, L. J. Egan, E. H. Byrne, J. P. L. Murphy, K. Burke, George Crowley, R. J. Muldowney, Michael Noyk, J. E. Wallace.

The Secretary read the notice convening the meeting and the minutes of the half-yearly General Meeting held on the 26th November, 1942, the latter of which were signed by the President.

The President nominated the following members to be scrutineers of ballot for the election of the Council to be held on Monday, the 22nd November next:—Messrs. John R. McC. Blakeney, Desmond J. Collins, Thomas Jackson, Hugh G. Sweetman, and Roderick J. Tierney.

THE PRESIDENT'S SPEECH.

The President, addressing the meeting, said:—

It is with very great regret that I must, in the first place, refer with feelings of very deep sympathy to the loss that our Council and our Society sustained by the death early this year of Mr. Edward H. Burne. As you know, the late Mr. Burne had been a member of our Council and of our Society since 1916 and was President in the year 1928/29. There was no member of the Council whose advice was more sought by his fellow members than our late colleague. He was an outstanding and fearless advocate. In spite of a very busy professional life he had time to prepare and publish the standard work on the Rules and Practice of the District Court. In addition, he was our representative on the Rule-Making Committee of the District Court. The late Mr. Burne was, as you are aware, keenly interested in the work of many public and private charities, especially in the work of the Solicitors' Benevolent Association, of which he was Deputy Chairman. His loss is keenly felt by his colleagues on the Council to which he gave many years of faithful service.

In addition to the loss of Mr. Burne our profession has suffered heavily by the death of many of our members in the past six months.

A great Solicitor, a great District Justice and a famous Irishman was lost to us by the death of Mr. Louis J. Walsh. He practised in Ballycastle until 1923, when he was appointed one of the first District Justices.

He was a distinguished author and playwright. In connection with national activities he was interned in Ballykinlar by the British Authorities in 1920/21.

The late Mr. Frederick Sharpe was a Professor of Common Law to our Society from 1909 to 1914, and was one of the best known Solicitors in the City of Dublin.

We also sincerely regret the deaths of Mr. Thomas C. Wylie, Derry; Mr. James C. McGifford, Lisburn; Mr. James P. Ringwood, Dublin; Mr. Francis C. Pilkington, Dublin, and Mr. Hugh C. Cochrane, who formerly practised in Strabane.

I should also refer to the death of a very old servant of the Society, the late James Wood, who was well known to several generations of Solicitors as the Society's Hall Porter and Caretaker. For almost fifty years he was in the service of the Society until his retirement on pension in December, 1939. May they rest in peace.

You will recollect that at a special meeting held last October, final approval was given by the Society to the proposed new Solicitors' Bill, subject to certain amendments which were to be considered by the Committee appointed. The Committee considered all these amendments and the Bill in its final form was submitted, as directed by that meeting, to the Department of Justice.

However, recently a Bill was introduced and enacted by the Oireachtas entitled the Solicitors' Act, 1943. This Act deals solely with members of the profession employed full time in the Government Service and exempting these members from the obligation of paying any annual Licence duty. This Act affects the Society to the extent that we will lose a sum of about £20 or £25 per annum, but it does not in any other way affect the Society.

I understand that our Bill as presented by the Society is receiving the consideration of the Department of Justice and also the other Departments which might be affected by the Bill. In the discussion on the Act, to which I have referred, certain points were raised which make it perfectly clear that our Bill is desired, not alone by our profession but by the members of the legislature. As you are aware we are seeking increased powers which the Society can exercise over its members and generally to improve the discipline of our members. The Act of 1898 which governs our Society is, with the passing

of years, completely out of date. The principal item in the proposed Bill is the compelling of Solicitors to keep clients' monies in a separate account thus preventing any mixing of clients' monies with the private affairs of a Solicitor. If the Bill becomes law we will be authorised to prepare the necessary regulations for this purpose and to see that these regulations are enforced. It is unfortunate that a few members of our profession make default in dealings with their clients. These cases receive great publicity but no publicity is given to the vast majority of our members that conduct all their cases with the public and their clients in an extremely honest and trustworthy manner. The percentage of the defaulters is only a fractional percentage of the total members of the profession. This is an extremely high standard, but our Society feels that even this very low percentage should disappear, and we trust that the new powers which we hope will be granted, will enable such a low percentage to be completely wiped out. It is in the interest of the members of our profession as well as in the interest of our clients that the public should regard every member of our profession as above reproach and that all monies entrusted to them are in safe hands.

Some criticism has recently been made on the work of the Statutory Committee. This criticism is made by uninformed persons. The Statutory Committee is a Committee appointed by the Chief Justice. The only power possessed by the Committee is to hear complaints which are brought before it by aggrieved persons and if any complaint is not proceeded with and no evidence given, there is no action that the Statutory Committee can take. When a complaint is proceeded with and the Committee is satisfied on the affidavits submitted that there is a *prima facie* case then they proceed to a hearing. At the hearing the complainant is entitled to appear in person or be represented by a Solicitor and by Counsel. The Respondent is also so entitled to appear. The evidence which is recorded by an official shorthand notetaker is given on oath. The Committee has no power to take any view other than that Respondent is guilty or not guilty of professional misconduct. The Committee has no power to impose a sentence, but must submit its report to the Chief Justice. In a case in which professional misconduct has

been found the Chief Justice hears the opinion of the Society and the Respondent's explanation and then decides as regards the punishment. I desire to make it perfectly clear that the only person entitled to remove a Solicitor from the Rolls for professional misconduct or to suspend or punish a Solicitor is the Chief Justice. When a Solicitor has his name removed from the Roll he can only be reinstated to the Roll and practise again by order of the Chief Justice. In no case is such a person permitted to practise again unless he satisfies the Statutory Committee and then afterwards satisfies the Chief Justice that he has made full and ample restitution, not alone to the party who made the complaint, but to any other of his clients who may have suffered. It is very rarely indeed that a Solicitor once struck off the Rolls has been reinstated and then only on the system to which I have referred. The proposed new Bill will bring into force a Committee called the Disciplinary Committee, with much more extended powers. This proposed Committee will have power themselves to remove a Solicitor from the Rolls or to suspend him. They will also have power to deal with cases of unprofessional conduct as apart from professional misconduct, which latter phrase means for all practical purposes misappropriation of clients' monies. An appeal from the decision of this Committee may be made to the Supreme Court both by the applicant and respondent. If I may express an opinion it is that the powers sought for in the proposed Bill will be ample to meet the situation and there will be no necessity for the suggestions made recently by a member of the Seanad. I may say that the members of our Society are keener than anyone else to uphold the integrity of our profession and seek that this Bill be enacted for the purpose of giving us the necessary powers. Every case brought before the Statutory Committee has received a fair hearing and every complainant afforded every facility to prove his case. I therefore hope that the Oireachtas will grant us the powers we seek and I can assure the members of the Oireachtas that if these powers do not prove ample, the Society will immediately seek further and more extended powers.

I had hoped on this occasion to have referred at some length to a matter which I think requires the attention of the members of both branches of the profession and the

public generally and that is the question of the setting up by the Legislature of a Commission or Commissions to enquire into and report on the necessity for reform of our laws. The State took over the existing laws when it was set up in 1923 by the Adaptation of Enactments Act. Since then there has been some small adjustments of the law but there has been no general consideration or any attempt made for a complete reform of laws to bring them up to date. I trust that this matter will receive early consideration. It is only necessary to refer to the Company Laws and to the Bankruptcy Laws. We are also faced with the feudal system of *primogeniture* which affects all real property, except that covered by the Local Registration of Title Act. It is time the question of the unjust Will by which a Testator may leave all his property away from his wife and family was dealt with. The passing of property in intestacy also requires consideration, and the widow's right to £500 when her husband dies intestate and without issue requires, under present circumstances, to be drastically altered. This is only a very brief resume, as the question of the reform of existing laws requires very careful and exhaustive examination.

I desire to stress the magnificent work carried out by our Benevolent Association and to express surprise that every Solicitor is not a member of this Association. No one knows the day or hour that he may be called from this world and no one of us can say that we will leave those near and dear to us in a position of affluence. The work of this Association is a great charitable work and one to which every Solicitor should give every possible assistance and financial aid.

There is just one other matter to which I feel I should refer and that is the educational standard in recent years of those students who seek admission to our profession. Our Council and our Court of Examiners have viewed with considerable alarm the lack of the former high standard of proficiency in the examinations, especially in the Final Examination. I, of course, only refer to the lack of honour passes in the past number of years. I am afraid that a considerable amount of this lack of honours has been due to the great strain imposed upon the students in passing their Final Irish Examination the same year as they present themselves for their Final Law Examination. When the

Legal Practitioners' (Qualification) Act, 1929, was passed your Council undertook to the Department of Justice that they would carry out that act to the letter and in the spirit and they have done so. The standard required for the Final Irish Examination is a very high standard and must have mitigated against the intensive study required to obtain honours at our Final Law Examination. There is no person keener on the development and restoration of our national language, than I am and I believe that we are justified in recommending to the Department of Justice that our students should be permitted to present themselves for their Final Irish Examination in the second last year of their studies. I also am of opinion that the whole educational system of our apprentices should be enquired into and amended to meet modern conditions. With this in view your Council has authorised the setting up of a Special Committee to consider this matter and to report in due course. We hope that as a result of the work of this Special Committee our students will be better able to deal with the very many difficult problems that arise under modern conditions. At present there are different problems to face than fifty or even twenty-five years ago.

It is customary to review the work of the Council at this half-yearly meeting. During the past six months your Council and the various Committees have been engaged in the ordinary work of the Society, and from time to time there have appeared in the GAZETTE reports of the work of the Council. You will recollect our Past-President referring to the many Committees of the Council necessitated by the fact that there were in existence eight different Committees, in addition to the Court of Examiners and the Statutory Committee. For various reasons some of these eight Committees were out of date and gave unnecessary work both to the members of the Council and to the staff. Accordingly a Committee was set up to consider the Bye-Laws of the Council, and as a result new Bye-Laws were drafted and approved by the Council and the number of Committees were reduced to four as follows :-

- (1) Legislation and Privileges.
- (2) Court and Offices.
- (3) House, Library and Finance.
- (4) Gazette.

There is, of course, in addition, the Court of Examiners and the Statutory Committee,

and the Council has power from time to time to appoint any other *ad hoc* Committee or Committees as it thinks fit. Each of the Committees have met from time to time and have reported to the Council on the various matters which were left before them for their consideration.

It was felt that changes could be made in the GAZETTE so that it might have greater interest for the profession, but the changes which we desire cannot be proceeded with at the moment owing to the Emergency and the paper shortage. It was decided, however, that certain changes should be made in the GAZETTE and that members of the Society and the various Bar Associations throughout the country should be invited to contribute items of interest. Such contributions will be welcome but those contributing must realise that at the present time anything inserted in the GAZETTE requires consideration as regards space.

Correspondence has taken place between the Society and the Appointments Commission, in which the Commissioners have stated that they are willing in certain vacancies, to accept the recognised honours in our Final Examination as being equivalent to a University Honours Degree. We are still awaiting information as to what standard they will consider as equivalent.

A member objected to the form of Certificates issued by the Accountant General on the grounds that they did not show the gross dividend from which the Income Tax is deducted. A number of interviews took place between members of the Council and the Accountant General in the course of which the Accountant-General said that he could not agree to changing the present system as it would involve scrapping his ledgers and obtaining new ones and the Council decided that nothing further could be done in this matter.

An objection was also received to the practice of the Taxing Masters requiring Solicitors to lodge their stamped Certificates before taxation of costs. The Society has obtained an Agreement from the Taxing Office that a Register will be kept in the office so that it will only be necessary to lodge the Certificates at the commencement of each year.

A difficulty has arisen as regards apprentices serving in the Defence Forces. The Council is anxious that every facility

should be given to these apprentices but, unfortunately, your Council does not possess the necessary powers.

It is proposed to ask the Department of Justice to issue an Emergency Powers Order which will give us the necessary powers.

As you are doubtless aware the Society appears in the Register of Nominating Persons, entitled to nominate candidates for the purpose of election of the Seanad.

Our profession will have a great part to play in the changed conditions that will exist in the future, when this terrible scourge of war has passed, and I trust that we will all be prepared to play our part in the building up of our own Nation and make it an example of a noble Christian State.

CERTIFICATE OF DISCHARGE OF INCOME TAX.

The attention of members is drawn to a notice which was published in the GAZETTE in April, 1933, with reference to the practice of charging against the purchaser of land the costs of obtaining and furnishing the certificate under Section 6 (1) Finance Act, 1928. In the case of Hopkins v. Geoghegan (1931 I.R. 135) it was held that the production of this certificate if required by the purchaser is an expense which by Section 3 (6) of the Conveyancing Act, 1881, must be borne by him in the absence of any provision to the contrary in the contract for sale. In 1933 the matter was considered by the Council, which, while not questioning the validity of the opinion expressed by the Court, advised the profession that in conveyancing matters the certificate in question should be furnished by the vendor's solicitor without charge either against his own client or against the purchaser. The Council is aware that while, in general, the practice suggested above is adopted, there is not complete uniformity in this regard. It is considered that in the interests of the profession as a whole members would be advised to follow the opinion expressed by the Council in April, 1933.

INCREASE OF WORKMENS' COMPENSATION WEEKLY PAYMENT.

The attention of Solicitors is drawn to Emergency Powers (No. 274) Order, 1943,

the effect of which is to entitle a workman who is in receipt of a weekly payment, in certain circumstances, to an increased weekly payment.

The Order is on sale at the Government Publications Office, College Green, Dublin. Price 1d.

PRESENTATION TO MR. CECIL BAILLIE-GAGE.

Mr. Baillie-Gage who recently retired from the position of Solicitor to the Great Northern Railway Company has been made the recipient of a presentation from the Local Solicitors who represent the Company in various parts of the country. It took the form of a handsome Solid Silver Salver engraved as follows:—

PRESENTED TO
CECIL BAILLIE-GAGE, ESQ.,
ON HIS RETIREMENT AS SOLICITOR
TO THE GREAT NORTHERN RAILWAY
CO. (I.) IN APPRECIATION OF A
HAPPY ASSOCIATION AND OF THE
ESTEEM IN WHICH HE IS HELD BY
THE LOCAL SOLICITORS WHO RE-
PRESENT THE COMPANY.
APRIL 1943.

Recently Mr. W. Gordon Bradley and Mr. Michael Knight, on behalf of the subscribers, presented the Salver to Mr. Baillie-Gage at his residence and expressed to him the good wishes of the subscribers and their regret at the severance of a long and pleasant association. Mr. Baillie-Gage said he felt deeply touched by this mark of good will towards him from those with whom he had been so happily connected in the interests of the Company; many of whom were old personal friends, and asked that his thanks and good wishes be conveyed to all who had joined to pay him this totally unexpected compliment. The following were the subscribers and, as will be seen, include Solicitors from both Eire and Northern Ireland, covering the Great Northern System:—

Messrs. Allen & Halpin.
Messrs. W. G. Bradley & Son.
Mr. W. Gordon Bradley.
Mr. J. W. A. Condlin.
Messrs. Dickie & Carson.
Messrs. Espinasse & Co.
Messrs. Falls & Hanna.
Messrs. M. E. Knight & Son.

Mr. M. E. Knight.
Messrs. Longfield, Kelly & Armstrong.
Messrs. Millar & Babington.
Messrs. R. A. Mullan & Son.
Messrs. Macaulay & Ritchie.
Messrs. McKeever & Son.
Mr. P. E. Rogers.
Messrs. Smyth & Son.
Messrs. Wallace & Co.
Messrs. Watson & Neill.
Messrs. Wilson & Simms.

LEGAL APPOINTMENT.

Mr. Cathal L. Flynn has been appointed County Registrar for Leitrim. Mr. Flynn was admitted in Easter Sittings, 1932, and practised since his admission in Carrick-on-Shannon, County Leitrim, where he held the position of County Solicitor.

OBITUARY.

MR. WILLIAM A. INGRAM, Solicitor, died on 13th May, 1943, at Walwroth, Ballykelly, Co. Londonderry.

Mr. Ingram was admitted in Trinity Sittings, 1890, and practised at Limavady.

MR. PATRICK J. BRADY, Solicitor, died on 20th May, 1943, at his residence "Glena," Booterstown, Co. Dublin.

Mr. Brady served his apprenticeship to Messrs. Maxwell, Weldon & Co., Dublin; was admitted in Hilary Sittings, 1893, and practised at 20 Molesworth Street, Dublin up to the year 1935, when he retired.

Mr. Brady was a member of the Council from 1910 to 1924, and was President of the Society for the year 1921-22.

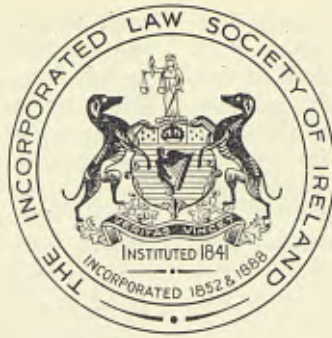
MR. JOHN T. COSGREAVE, Solicitor, died on 3rd June, 1943, at Rathkeale, Co. Limerick.

Mr. Cosgreave was admitted in Hilary Sittings, 1901, and practised at Rathkeale.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin, N.W.8.

Vol. 37
No. 3

July
1943



THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President:

JOHN B. HAMILL

Vice-Presidents:

JOHN P. CARRIGAN

JOHN S. O'CONNOR

Secretary:

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETING OF THE COUNCIL

JULY 1st. The President in the Chair. Present: Messrs. J. P. Carrigan and J. S. O'Connor, Vice-Presidents, W. S. Hayes, H. P. Mayne, F. J. W. Darley, L. E. O'Dea, J. J. Lynch, G. A. Overend, M. E. Knight, Daniel O'Connell, S. Ó hUadhaigh, P. F. O'Reilly, E. F. Collins, J. J. Bolger, H. O'Donnell, Peter O'Connor, W. L. Duggan, C. E. Callan, A. Cox, J. J. Dunne, J. J. Smyth, R. A. Macaulay, H. St. J. Blake, C. G. Stapleton, P. R. Boyd.

Professor of Common Law

THE Council appointed Mr. Daniel J. O'Connor, B.A., LL.B., Solicitor, as Professor of Common Law to the Society in place of Mr. Matthew Purcell, Solicitor, whose term of office has expired.

State Aid for Prisoners' Defence

THE Council considered a letter from a firm of solicitors with reference to the remuneration allowed to them by the State on assignment to defend a prisoner accused of murder. In the opinion of the Council the remuneration in the particular circumstances allowed to the solicitors was entirely inadequate and it was decided to make representations to the proper authorities.

SEANAD ELECTION

THE Council has elected Mr. John B. Hamill, M.A., LL.B., of Ardronan, Dromiskin, Dundalk, Co. Louth, President of the Society and Mr. Eugene F. Collins of Messrs. Eugene F. Collins & Son, 19 Eustace Street, Dublin, Chairman of the "Leinster Leader" Co. as the Society's nominees on the Cultural and Educational Panel of candidates for the Seanad under the provisions of the Seanad (Panel Members) Electoral Act, 1937.

It is considered desirable that the profession should have representatives in the Seanad in a position to speak with authority on behalf of the Society and the profession, particularly in view of the early introduction of the Solicitors' Bill. It is hoped that members throughout the country will use their influence in securing preferences for the Society's nominees. Those having votes are requested to give the Society's nominees their No. 1 or an early preference.

SEARCH FEES

IN view of the numerous queries as to the propriety of Search Fees the Council has decided to lay down general principles on which, in its opinion, Solicitors should normally act.

(1) It is the duty of a Solicitor to keep his clients' valuable documents (such as documents of title, wills, or other documents specially entrusted to him for safe custody) carefully, and so as to be readily accessible. Normally no search should be necessary for such documents and, therefore, no search fee should be charged where the documents are required by the owner or by his Solicitor or by persons claiming under him. Where, however, a Solicitor is required to make a search for such documents and the search shows that they are not in fact in his custody, a search fee may properly be charged.

(2) Where the Solicitor is required to hand over papers not falling under head (1) in a matter concluded at least one year previously, and where a search is genuinely necessary, a reasonable search fee may be charged dependent on the work involved. The sum of two guineas is generally fair, but in many cases the fee might be less or possibly more.

(3) Papers under head (2) in a current matter or a matter concluded within one year should be handed over without a search fee.

(4) A Solicitor is in all cases entitled to charge a reasonable fee dependent on the work involved for his attendance and for scheduling documents to be handed over. Such fee will normally be covered by the search fee where chargeable.

(5) The above rules apply in the case of a Solicitor who acquires the practice of another solicitor, whether by death, purchase, or gift or otherwise.

(6) Where a Solicitor is retained to wind up the practice of another Solicitor or of a deceased Solicitor, and has so acquired the documents of

such Solicitor for safe keeping without acquiring the goodwill, the Solicitor is entitled to claim a search fee.

(7) Where documents are required to be produced by some person other than the client or his present Solicitor, and the Solicitor holding the documents is at liberty to produce the documents, he should be normally entitled to a search fee.

(8) Where a Solicitor is required to give information which necessitates making a Search, a fee may properly be charged.

This opinion of the Council will be published in the Society's Calendar and Law Directory.

CURRENT TOPICS

The Society's Gazette

THE present issue of the Society's *Gazette* appears in a form different to that which has become familiar to members of the Society since it commenced publication. The Council in deciding to adopt this new form have had in view the desirability of increasing the utility and interest of the *Gazette* within the limits imposed by war-time restrictions. While the *Gazette* is and will continue to be published primarily as a record of the Society and will aim neither to emulate nor to compete with other publications of greater legal interest, the Council hopes to increase its scope by keeping the profession in touch with recent decisions of the Irish and English Courts of peculiar interest to solicitors, by noting statutes of the Oireachtas and important Government regulations as soon as possible after they become law, by more extensive reports of the proceedings of the Society, and by the publication of notes which members are invited to contribute. It should, however, be borne in mind by contributors that brevity is essential in the present circumstances of paper shortage. Views expressed by contributors in the *Gazette* will not of necessity coincide with those of the Council except in so far as it may expressly endorse them.

Liability of Solicitors as Estate Agents

SOLICITORS who act as Estate Agents over their clients' property have in many cases been held liable to the Sanitary Authorities for the expenses of complying with the various notices which may be served on the owner on account of defects in tenanted property under the provisions of the Public Health Act, 1878. This liability arises by

reason of the definition of "owner" in Section 2 of that Act as "the person for the time being receiving the rack rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rack rent." In *Watts v. Borough of Battersea* (1929, 2.K.B.63) Mr. Watts, the solicitor for the personal representatives of a testator, part of whose estate consisted of property let to occupying tenants, instructed Mr. Spicer, a builder who had collected the rents during the testator's lifetime, to continue to do so and to account to him on behalf of the actual owners from time to time. By a majority of the Court Mr. Watts was held liable as "owner," within the meaning of a statutory definition similar to that in the Public Health Act, 1878, to comply with a notice served by a public authority in respect of the premises. In a dissenting judgment Greer, L. J., expressed the view that Mr. Spicer who received the rents from the tenants was not the agent of the solicitor but rather of the actual owners who were entitled to the rents, the solicitor being a mere intermediary through whom the rents were passed on to the owners. The position, in so far as it affects solicitors, was alleviated to some extent by the recent decision in Northern Ireland in *Londonderry Corporation v. Gillespie and Glass* (1938, N.I.144). In that case the defendants were solicitors for the actual owners, all of whom resided abroad, of certain tenanted property, and the local authority relied on *Watts v. Battersea Borough Council* as establishing their liability as owners, within the meaning of the Public Health Act, 1878, to comply with a notice to abate a nuisance in respect of the property. The defendants proved that the rents collected by them, although admittedly received over an appreciable period, were all in respect of arrears and not current rents. Andrews, L. C. J., in delivering the judgment of the Court in favour of the defendants drew a distinction between the position of a solicitor acting as such and enforcing payment of arrears of rent and that of an estate agent collecting current rents, and held that in the former case the solicitor is not subject to the liability of an owner under the Act. This, he said, sufficiently distinguished the case from *Watts v. Battersea Borough Council* in which the solicitor received the current rents from the actual collector. His Lordship also, by way of *obiter dictum*, indicated his preference for the dissenting judgment of Greer, L. J., to that of the majority of the Court in *Watts' case*. There does not seem to be any more recent decision on

the matter in Ireland, but if the views of Andrews, L. C. J., and Greer, L. J., commended themselves to the Supreme Court the area of liability of solicitors who manage their clients' property would be considerably reduced.

Omission to ask for Costs

It sometimes happens at the end of a complicated trial that Counsel, whose attention may be engaged by weightier matters, inadvertently omits to ask for the costs of some interlocutory motion which is not automatically included in the General Order for Costs. Order XXVIII Rule XI of the Rules of the Supreme Court provides that clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court or a Judge on motion or summons without an appeal. This is an exception to the general rule that the Court cannot modify an Order after it has been perfected, in the absence of some extraneous element such as misrepresentation. In *Fritz v. Hobson* (1880. 14. Ch.D.542.) the Court overruled a submission that the rule did not apply to the accidental omission by Counsel to ask the Court for something which ought to have been provided for, saying that such an omission was very natural when Counsel's attention was directed to matters of greater importance. In the recent case of *re Inchcape* (1942 2 All E.R.157.) it was held that the corresponding English Rule, which is identical in terms with ours, entitled the Court to allow costs, incurred before the issue of the summons, of collecting evidence upon domicile and of obtaining Counsel's opinion, which Counsel had omitted to ask for as part of the general costs, previously directed to be taxed as between Solicitor and client and paid out of the estate. An accidental omission on the part of Counsel as the result of which the Judge does not make the Order as to costs that he would otherwise have made is an "accidental slip" within the meaning of the Rule.

Banks as Executors

THE President of the High Court is unofficially reported in the *Irish Law Times and Solicitors' Journal* of 19th June as having made an Order in the Goods of Bessie B. B. Mitchell deceased, authorising the issuing of a grant of probate in the name of a bank, registered as a body corporate in England but not in Eire, which was appointed Executor of the Will. The practice which has heretofore obtained in such cases has been to allow such a grant to be made only where the

bank was registered as a body corporate in Eire. In the case of a bank not so registered the grant was made to a syndic appointed by resolution of the Board of Directors to act on behalf of the bank. One of the consequences of this has been that where a bank not registered as a body corporate in Eire was appointed to act jointly as co-executor, either the bank or the other executor had to renounce the right to the grant here, as a grant will not be issued in the joint names of a syndic and another person.

Following the principle laid down in this case the President of the High Court on the 11th July, 1943, made an Order the effect of which is that in future a duly qualified Body Corporate, which is corporate within England, Scotland, Wales or Northern Ireland, may apply for and obtain a grant, either through a syndic, nominee or attorney, or in its corporate title as it may elect; but no such body having a registered place of business within Eire may act through an attorney in obtaining such a grant. This procedure will not, without further order, apply to any body corporate which is corporate outside Eire and outside the areas above mentioned.

OBITUARY

MR. LOUIS A. KENNEDY, Solicitor, of Banvue, Windsor Park, Belfast, died upon 30th June, 1943, at Lucan, Co. Dublin.

Mr. Kennedy served his apprenticeship to the late Mr. Ernest Kennedy, Belfast, was admitted in Trinity Sittings, 1898, and practised at 7 Donegall Street, Belfast, under the style of E. V. L. Kennedy.

EXAMINATION RESULTS

At the Intermediate Examination for apprentices to Solicitors held on the 1st June the following passed the examination:—

Passed with merit:

1. John P. M. McNally.
2. William S. A. Warren.
3. Patrick J. Murray.
4. Donal V. Goulding.

Passed:

William B. Allen.
Mary T. Barry.
Thomas L. Condron.
Carmel Early.
Nuala Early.
Thomas J. Hanefey.
John D. Hutchinson.

William B. Malone.
Jacob Marcus.
Donal H. O'Byrne.
Peter E. O'Connell.
William F. O'Connell.
Timothy J. O'Donoghue.
Cormac B. J. O'Hare.
Edmund O. Sheil.

The following candidates will be required to sit for another examination in Book-Keeping but will be exempt from any further examination in Theory or Practice:—

Brendan Hanafin.
John D. F. Lyons.
Arthur R. J. McDonald.
Michael M. Phelan.
Cornelius Sheehan.

Thirty-one candidates attended; nineteen passed; twelve were postponed.

LEGAL PRACTITIONERS (QUALIFICATION ACT, 1929)

At examinations held on the 4th and 5th June under the Legal Practitioners' (Qualification) Act, 1929, the following passed the examinations:—

"First" Examination in Irish

Eamon P. Carroll.
Henry C. Sexton.

Three candidates attended; two passed; one was postponed.

"Second" Examination in Irish

Oliver G. Fry.
Owen B. Goff.
George D. Hodnett.
Caleb C. McCutcheon.
Sean P. Maguire.
Marguerite S. Meagher.
Michael T. Neary.
Edward A. O'Doherty.
Roderick J. O'Connor.
Denis H. O'Riordan.
William H. Richardson.

Thirteen candidates attended; eleven passed; two were postponed.

NEW MEMBERS

The following have joined the Society:—

John F. V. Arnold, 22 Bachelors' Walk.
 Liam D. Boyd, 102 Grafton Street.
 Martin T. Butler, Thurles.
 John F. Cahill, 36 Nassau Street.
 J. C. Callan, Kingscourt.
 Liam M. Collins, Clonakilty.
 Hutchinson E. Davidson, Ballinasloe.
 William J. Dundon, Limerick.
 William M. Franklin, 3 Suffolk Street.
 Stephen J. Gannon, Killeshandra.
 John C. Griffin, Balbriggan.
 Martin M. Halley, Waterford.
 Michael V. Harrington, Clonakilty.

Michael J. Higgins, 42 St. Stephen's Green.
 Michael Kavanagh, Wexford.
 William R. A. Keller, 46 Kildare Street.
 John A. C. Kieran, 12 Clare Street.
 Arthur P. McLean, 102 Grafton Street.
 Joan M. Macaulay, Listowel.
 M. J. Moore, 10 Parliament Street.
 Diarmuid M. Murphy, Dundalk.
 Felix P. Murphy, Kildare.
 Stephen A. Murtagh, 58 Upr. O'Connell Street.
 J. J. Nagle, Cork.
 Michael F. Nolan, Kilkee.
 Gerald S. O'Rorke, 13 Westmoreland Street.
 J. Allan Osborne, Milford, Co. Donegal.
 Patrick P. O'Sullivan, 14 Ely Place.
 Laurence J. B. Steen, Navan.
 Patrick J. Walsh, 17 D'Olier Street.

ADMISSIONS AS SOLICITORS OF EIRE

1st January to 2nd July, 1943 (inclusive)

<i>Name</i>	<i>Served Apprenticeship to</i>
Terence B. Adams, Tullamore	Dermot Mcagher, Tullamore.
David Bell, 28 Ferrybank, Waterford	Leo F. Trainor, Waterford.
Liam D. Boyd, "Saul," Newtownpark Avenue, Blackrock, Co. Dublin	John Ryan, Dublin.
Mary J. Brennan, 4 Seaview Terrace, Ailesbury Road, Dublin	Robert A. Macaulay, Listowel.
James L. Byrne, 48 Palmerston Road, Rathmines	Thomas Early, Dublin.
Liam M. Collins, 82 Booterstown Avenue, Co. Dublin	John Ryan, Dublin.
Randal Counihan, River View, Ennis	Francis F. Cullinan, Ennis.
William J. A. Dundon, 6 Victoria Terrace, Limerick	John J. Dundon, Limerick.
Dermot D. Fanning, "Cnoc Aluinn," Rockmarshall, Dundalk	John B. Hamill, Dundalk.
Maurice Kenny, "Rosemount," Avoca Ave., Blackrock, Co. Dublin	Joseph F. Kenny, Dublin.
Frederick A. Lyons, The Parade, Kilkenny	John W. Buggy, Kilkenny.
Joan M. Macaulay, "Ardenc," Listowel	Robert A. Macaulay, Listowel.
Daniel J. MacGettigan, Milford, Co. Donegal	Joseph G. Allen, Dublin.
Eithne M. MacInerney, 2 Davis Street, Limerick	Thomas O'B. Kelly, Limerick.
Diarmuid M. Murphy, "Stella Maris," Blackrock, Co. Louth	James H. Murphy, Dundalk.
Stephen A. Murtagh, 169 Lr. Kimmage Rd.	John B. J. Dunne, Kildare.
Michael M. Neary, Doneraile	James D. McCabe, Cork.
Arthur J. T. O'Connor, Elm Hall, Celbridge	Daniel P. O'Connor, Dublin.
Philip O. O'Loughlin, 48 Harold's Cross Road, Dublin	Thomas A. O'Reilly, Dublin.
Thomas C. O'Mahony, Saint Helena, Dundalk	Hugh C. McGahon, Dundalk.
Dermot O'Meara, Mallow	William J. O'Meara, Mallow.
Joseph G. O'Shea, Kilrush	Patrick P. P. O'Shea, Kilrush.
George A. Russell, Dingle House, Kiltarnan, Co. Dublin	Charles Magwood, Dublin.
Peter P. Ryan, Rathdowney	William J. Ryan, Abbeyleix.
James G. D. Walsh, Ballynahown, Co. Galway	Edward Ryan, Dublin.
James H. West, 13 Effra Road, Rathmines, Dublin	Francis Featherstonhaugh, Dublin and Edward A. Margetson, Dublin.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors Buildings, Four Courts, Dublin. Telephone: 73092.

Vol. 37
No. 4



August
1943

THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President :

JOHN B. HAMILL

Vice-Presidents :

JOHN P. CARRIGAN
JOHN S. O'CONNOR

Secretary :

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETING OF THE COUNCIL

JULY 22nd. The President in the Chair. Present : Messrs. John P. Carrigan, V.P., W. Gordon Bradley, W. S. Hayes, Henry P. Mayne, John J. Bolger, J. J. Lynch, G. A. Overend, F. J. W. Darley, C. G. Stapleton, Daniel O'Connell, P. R. Boyd, P. F. O'Reilly, E. F. Collins, J. J. Dunne, Peter O'Connor, Arthur Cox, W. S. Huggard, W. L. Duggan, L. E. O'Dea, H. St. J. Blake.

Land Registry Rules

THE President and Messrs. Boyd, Bolger and Lynch were appointed as a sub-committee to assist Mr. Mayne, the Society's representative on the Rule-Making Committee, to deal with draft new rules under the Local Registration of Title Act.

Adjudication of Bankruptcy in England affecting Irish Land

THE Council considered the report of a Committee on the legal position disclosed by the judgment of the Supreme Court in *In re Reilly*, a bankrupt in England (1942. I.R.416), and the Secretary was directed to write to the Secretary of the Department of Justice drawing his attention to the matter and suggesting that it should be the subject of legislative action.

Emergency Powers (No. 285) Order, 1943

THE Secretary reported that the Government had made an Emergency Powers (No. 285) Order, 1943, enabling the Council to direct that the period of service of an apprentice in the Defence Forces should be reckoned as time duly served under his Indentures of Apprenticeship. The Council considered and granted two applications received from apprentices, in the exercise of their discretion under the Order.

Registration of District Court Decrees as Judgments

THE Council considered the report of a Committee with reference to the case of *English v. Murphy* (75.L.L.T.R.128) and the Secretary was directed to write to the Department of Justice drawing attention to the fact that there is no machinery to enable funds in Court to be attached in order to satisfy a decree of the District Court and suggesting that the Department should consider the advisability of dealing with the matter by legislation.

Neutrality (War Damage to Property) Act, 1941

THE Council considered the report of a Committee pointing out that no provision is made by this Act for the payment of the Vendor's costs of showing title to property acquired by district planning authorities in pursuance of their powers under Section 20 of the Act and the Secretary was directed to write to the Department of Local Government with reference to the matter.

APPRENTICES IN THE DEFENCE FORCES

THE following is the text of an Emergency Powers Order which has, at the request of the Council, been made by the Government to deal with the position of apprentices who have been or may be engaged in service in the Defence Forces while under Indentures of Apprenticeship. The Council, while willing to facilitate the admission as Solicitors of apprentices who have served in the Defence Forces during the Emergency or who may so serve in the future, is concerned to see that the standard of education and legal training of apprentices is maintained at a proper level. The powers of the Council under the Order are purely discretionary and each application will be dealt with on its own merits. The Council has power to grant applications under the Order either unconditionally or subject to conditions. Applicants for exemption under the Order will be required to furnish evidence that the requirements of service under their indentures have been strictly complied with during such periods as they may have been released from military service. There is no exemption from lectures or examinations on the ground of military service. Further information on this matter may be obtained from the Secretary.

Emergency Powers (No. 285) Order, 1943

Treatment of service of Solicitors' Apprentices in Defence Forces as service under indentures of apprenticeship.

THE Government, in exercise of the powers conferred on them by the Emergency Powers Acts, 1939 to 1942, and of every and any other power them in this behalf enabling, hereby order as follows:—

1. This Order may be cited as the Emergency Powers (No. 285) Order, 1943.

2. (1) In this Order:—
the expression "the Act" means the Solicitors' (Ireland) Act, 1898;

the expression "the emergency period" means the period which commenced on the date of the passing of the Emergency Powers Act, 1939 (No. 28 of 1939), and ends on the expiration of the said Act;

the expression "the Defence Forces" means the force and the reserve force established under Part I and Part III respectively of the Defence Forces (Temporary Provisions) Act, 1923 (No. 30 of 1923).

(2) This Order shall be construed as one with the Act.

3. (1) Where any person who has been or shall be during the emergency period engaged in service in the Defence Forces, has entered or shall enter into indentures of apprenticeship with a practising solicitor, the Council of the Incorporated Law Society may, in their absolute discretion, by order declare that, subject to the fulfilment by that person of such conditions (if any) as the said Council think fit and specify in the order, such period (not exceeding the period of that person's service in the Defence Forces during the emergency period) as the said Council think fit and specify in the order, shall, for the purposes of the Act, be reckonable as actual service under the said indentures of apprenticeship.

(2) Where the Council of the Incorporated Law Society make an Order under paragraph (1) of this Article in relation to any person, the following provisions shall, subject to the fulfilment by that person of the conditions (if any) specified in the order, apply, that is to say:—

- (a) the period specified in the Order shall, for the purposes of the Act, be reckonable as actual service under his indentures of apprenticeship,
- (b) sub-section (1) of section 25 of the Act shall, in its application to such person, be construed as if there were inserted :—
- (i) after the words “such practising solicitor,” the words, “except during a period declared, by an Order made in respect of him by the Council of the Incorporated Law Society under Article 3 of the Emergency Powers (No. 285) Order, 1943, to be reckonable, for the purposes of this Act, as actual service under his indentures of apprenticeship,” and
- (ii) after the words, “employment of a solicitor,” the words “or service in the Defence Forces,” and
- (c) the forms of affidavit, for the purposes of the said section 25, prescribed by rules made under section 57 of the Act may, in relation to that person, be modified in conformity with the amendments effected by sub-paragraph (b) of this paragraph.

GIVEN under the Official Seal of the Government, this 20th day of July, 1943.

(Signed) Eamonn de Valera.

EXAMINATIONS, OCTOBER, 1943

<i>Examination and Date</i>	<i>Last Day for lodging notice</i>
Intermediate Examination— October 1st.	September 9th.
Final Examination— October 4th and 5th.	September 13th.
“First” Irish Examination— October 8th.	September 17th.
“Second” Irish Examination— October 8th and 9th.	September 17th.
Preliminary Examination— October 11th and 12th.	September 20th.

LECTURES

Michaelmas Sittings Lectures, 1943

THE Junior Lectures which will be delivered on Mondays and Thursdays and will be twelve in number, will begin on Thursday, the 14th October, 1943, at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend with the fee of three guineas should be lodged in the Society's office before the 4th October, 1943.

The Senior Lectures, which will be held on Tuesdays and Fridays and will be twelve in number, will begin on Friday, October 15th at 2.15 p.m. in the Solicitors' Buildings, Four Courts. Notice of intention to attend with fee of three guineas should be lodged in the Society's office before 5th October, 1943.

STATUTES OF THE OIREACHTAS

<i>Title</i>	<i>Signed by the President</i>
1. Defence Forces (Temporary Provisions)	18th February, 1943.
2. Exported Live Stock (Insurance)	23rd February, 1943.
3. Saint Laurence's Hospital	9th March, 1943.
4. Seeds and Fertilisers Supply	16th March, 1943.
5. Central Fund	24th March, 1943.
6. Local Government (Remission of Rates)	6th April, 1943.
7. Intoxicating Liquor	14th April, 1943.
8. Accidental Fires	20th April, 1943.
9. Pawnbrokers (Divisional Auctioneers)	20th April, 1943.
10. Landlord and Tenant (Amendment)	21st April, 1943.
11. General Elections (Emergency Provisions)	27th April, 1943.
12. Solicitors*	27th April, 1943.
13. District of Fergus Drainage	27th April, 1943.
14. Army Pensions	27th April, 1943.
15. Electoral (Polling Cards)	18th May, 1943.
16. Finance	25th May, 1943.
17. Creameries (Acquisition)	26th May, 1943.
18. Appropriation	2nd June, 1943.
19. Vocational Education (Amendment)	2nd June, 1943.
20. Unemployment Insurance	2nd June, 1943.
21. Emergency Powers (Continuance)	20th July, 1943.
22. Central Fund (No. 2)	20th July, 1943.

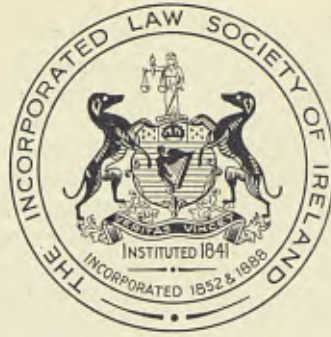
*An Act to affirm (with retrospective effect) the exemption in certain cases of solicitors in the whole-time employment of the State from the obligation to take out and hold annual certificates.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin. Telephone: 73092.



Vol. 37
No. 5

November
1943



THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President:

JOHN B. HAMILL

Vice-Presidents:

JOHN P. CARRIGAN

JOHN S. O'CONNOR

Secretary:

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETING OF THE COUNCIL

OCTOBER 7th. The President in the Chair. Present: J. P. Carrigan and J. S. O'Connor, Vice-Presidents, W. S. Hayes, Seán ÓhUadhaigh, Daniel O'Connell, J. J. Bolger, H. P. Mayne, W. J. Norman, C. G. Stapleton, W. L. Duggan, Roger Greene, J. T. Wolfe, P. R. Boyd, Hugh O'Donnell, H. St. J. Blake, A. Cox, Peter O'Connor, J. J. Smyth, P. F. O'Reilly, J. J. Dunne, G. A. Overend.

Enforcement of Court Orders Act

THE Secretary read a letter from a member of the Society referring to defects in the existing procedure under the Enforcement of Court Orders Act, 1926, and stating that the procedure required considerable amendment in order to be of service

to the public. The matter was referred to a Committee with power to consider the working and effect of the Act, and make recommendations for any suggested alterations or changes in the present procedure.

CURRENT TOPICS

Interviewing Opponent's Witnesses

THE *Times*, of 15th July last, published an extract from the remarks of Lewis J. in the course of a criminal prosecution before him during which it transpired that a woman, who had been summoned as a witness by the prosecution; went at the request of the Solicitor for the accused, to his office, and was taken through her statement by his clerk. The Judge was reported as having said that for a Solicitor, or for his clerk, when instructed by a prisoner, to interview a witness for

the prosecution was most reprehensible, and he proposed to obtain a transcript of the evidence and send it to the Law Society. His Lordship took a serious view of the girl's evidence if true, and if it was not true the solicitor ought to be cleared of such a charge. The case does not appear to have been officially reported and, as published in the *Times*, the Judge's remarks were divorced from their context. There may have been circumstances connected with this case not disclosed in the report which were the real basis of the Judge's condemnation of the conduct with which he was dealing. If such circumstances were not present many will feel that the prohibition laid down by the Judge was too wide. Most solicitors would be surprised to learn of any universal rule whereby merely interviewing any witness, whether already subpoenaed or not by another party to the proceedings, is regarded as a breach of propriety. Cases will occur in which common sense will suggest that it would be improper to seek to interview a particular witness. There seems, however, to be no valid reason why a solicitor, preparing instructions for Counsel for the defence in a criminal prosecution should be obliged to rely upon depositions or proofs of evidence taken down by the police or someone else if he has reason to believe that they may be incomplete or may omit to deal with matters within the knowledge of a witness which he foresees will be important for his client's defence. The popular terms, "witness for the prosecution" and "witness for the defence," though sanctioned by usage, are really a misnomer. Provided that he scrupulously avoids anything which would constitute an abuse of his privilege the general view of the profession has been that a solicitor is entitled to interview any witness whose evidence may be necessary for the presentation of the facts of his client's case to the Court.

Withdrawal of Bill of Costs

A solicitor differs from other professional men in being subject to the provisions of the Solicitors Acts and, as an Officer of the Court, being under its jurisdiction in the conduct of his client's business. One of the disabilities attaching to his official status is that a Bill of Costs, once delivered to a client, cannot in general be with-

drawn or amended, either so as to increase or diminish the charges, otherwise than by consent. A solicitor, on delivery of a bill may expressly reserve the right to withdraw or alter it on condition, provided that the condition is such as can fairly be imposed by a solicitor on his client. The Court has jurisdiction to permit the withdrawal or alteration of a bill in proper circumstances. In a recent decided case, *In re a Solicitor and In re Taxation of Costs*, 59 T.L.R. 68, a solicitor was given leave to withdraw a Bill of Costs furnished to a client and to substitute an altered bill. He had represented the client in partially successful litigation and the client had obtained against his Opponent in the action an order for payment of certain costs. The taxation of these costs, as between party and party, had been completed, according to the English practice, subject to the vouching of Counsel's fees, and portion of these fees amounting to £298 was still due to Counsel on the date of the party and party taxation. Subsequent to the party and party taxation, but before payment of Counsel's fees, the solicitor furnished to his client a Solicitor and Client bill which included these fees, but by error failed to comply with a regulation requiring unpaid disbursements to be set out in the bill in a particular manner. He did in fact pay all fees due to Counsel before taxation of the Solicitor and Client bill, as a result of which the client obtained against his Opponent a certificate of taxation, as between party and party, of an amount which included these fees. On the taxation of the Solicitor and Client bill, the irregularity in the setting out of Counsel's fees was relied upon by the client in order to have them disallowed. The solicitor, on application to the Court, was granted liberty to withdraw the defective bill and to furnish another setting out the items correctly, but not altered in any other respect. The Court held that it had a discretion in the matter, and exercised it in favour of the solicitor, chiefly because failure to do so would give the client the pecuniary benefit of the payments made to Counsel by the solicitor. Order LXV Rule 45 (c) of the Rules of the Supreme Court (Ireland) 1905, provides that no addition or alteration shall be made in costs after they have been lodged for taxation, except by permission or direction of the Taxing Master, so that it would seem that such an application in this country need not be made to a Judge in the first instance.

The War and the Perpetuities Rule

It has been held in England recently that a gift over in a Will on a condition subsequent which could happen only after the termination of the present war, was bad, as infringing the rule against perpetuities. The Testator had bequeathed stock upon trust for a Church to apply the income as an endowment fund with a gift over in the event of services in German not being regularly conducted there after the war. The High Court held that it could not be said that the present war must end within the period limited by the rule against perpetuities, so that the residuary bequest must vest within twenty-one years from the Testator's death, and the gift over was accordingly held bad. (re. Engels 195 L.T.138).

Court Behaviour (contributed)

A provincial member writes: The recent announcement that the occupant of the almost forgotten (to us) Woosack has come to the conclusion that women appearing in Court and taking the oath on giving evidence may do so without affecting the elaborate head-dress beloved of the well-known coloured sporting tipster, or even the modest handkerchief, raises the question of how far our own Courts may be disposed to recognise women litigants appearing without head covering. At least in our Circuit and District Courts, men are admonished to "take off your hat, Sir," while women sweep by arrayed in all their glory. There is the case of the sprightly junior who wished to draw the attention of a certain County Court Judge to his gorgeously befeathered bar-maid witness in a Licensing appeal, and sought his Honour's approval of "the manner in which his proofs were presented"—the witness, of course, failing to appreciate the reason for the resulting laughter in Court.

However, in the matter of proper deportment, or dress, it seems but right to regard the woman who appears in our Courts without head-dress as in no way acting disrespectfully, but what of the two persons of the weaker sex, who were seen recently in the back of a certain Court in the country calmly indulging in a surreptitious cigarette?

OBITUARY

MR. ALOYSIUS PLUNKETT KENNEY, Solicitor, died on 11th August, 1943, in Dublin.

Mr. Kenney was admitted in Trinity Sittings, 1886, and practised at 21 Lincoln Place, Dublin.

MR. JOSEPH G. FITZGERALD, Solicitor, was killed while on active service with the Allied Forces, on 12th August, 1943.

Mr. FitzGerald served his apprenticeship to John J. Kennedy, Birr, was admitted in Trinity Sittings, 1928, and practised for some years at 16 Dawson Street, Dublin, and later at Boyle until 1934, when he retired from practice.

THE RT. HON. SIR HENRY ARTHUR WYNNE, LL.D. Solicitor, died on 21st August, 1943, at Fetcham, Surrey. He was admitted a Solicitor in Trinity Sittings, 1889, and became the senior partner in the firm of Wynne and Wynne, Solicitors, Cork:

He became Crown Solicitor for Cork City and County (W.R.) and was Sessional Crown Solicitor for Cork City from 1905 to 1916. He was appointed Chief Crown Solicitor for Ireland in 1916 and held that office until 1922, when he retired.

MR. DAVID L. ROBINSON, Solicitor, died on 21st August, 1943, at Glenowen, Delgany, Co. Wicklow.

Mr. Robinson served his apprenticeship to the late James Robinson, Dublin, was admitted in Hilary Sittings, 1906, and practised in Dublin for a short time, when he went to reside in Canada. He was a member of the Senate of the Irish Free State from 1931-36, and a member of the Senate of Eire from 1938 up to the date of his death.

MR. PATRICK J. O'HAGAN, Solicitor, died on 26th August, 1943, at his residence, Dunany, Seatown, Dundalk.

Mr. O'Hagan served his apprenticeship to the late Joseph Carroll, Newry, was admitted in Trinity Sittings, 1902, and practised at Dundalk, up to 1935 when he was appointed County Registrar and Under-Sheriff of County Louth.

MR. JOHN M. DAVIES, Solicitor, died on 25th September, 1943, at his residence, Ballynascreen, Greenisland, Belfast.

Mr. Davies was admitted a Solicitor in Hilary Sittings, 1888, and practised as partner of the firm of Messrs. Crookshank, Leetch and Davies, Dublin, up to 1923, when he was appointed Registrar of the High Court of Justice Northern Ireland.

MR. GERARD L. M. O'BRIEN, Solicitor, died on 28th September, 1943, at 41 Ashdale Road, Terenure.

Mr. O'Brien served his apprenticeship to Mr. John T. Doyle, Dublin, was admitted a Solicitor in Trinity Sittings, 1929, and practised at 38 Parliament Street, Dublin, and subsequently at 33 Upper Ormond Quay and 22 Gilford Park, Sandymount.

LEGAL APPOINTMENTS

MR. JAMES A. ENNIS has been appointed County Registrar for Offaly. Mr. Ennis was admitted in Easter Sittings, 1925, and practised at Tullamore.

MR. DESMOND O'HAGAN has been appointed County Registrar for Louth. Mr. O'Hagan was admitted in Trinity Sittings, 1930, and practised at Dundalk.

LAW REPORTS

THE Incorporated Council for Law Reporting desire to draw the attention of Solicitors to the fact that subscribers to the official Reports placing their orders at present can obtain unbound volumes of the back Reports at reduced terms. For particulars apply to: Mr. F. Price, Librarian, at the Law Library, Four Courts, Dublin.

SOLICITORS' GOLFING SOCIETY

THE Autumn Meeting of the Society was held at the Grange Golf Club on the 23rd of September. The Law Society's Challenge Cup and the prize presented by the President of the Law Society were won by Master Kennedy. The Ryan Challenge Cup, limited to handicaps of 13 and upwards, was won by P. R. Boyd, and the prize for the gross was won by J. H. McCarroll.

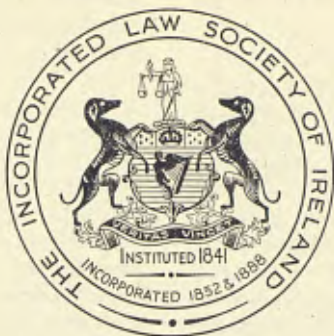
Conditions permitting, the usual Spring Competition will be held next year.

Solicitors wishing to become Members of the Society should communicate with the Hon. Secretary, J. D. Rooney, Solicitor, Bank of Ireland, College Green, Dublin.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors Buildings, Four Courts, Dublin. Telephone: 73092.

Vol. 37
No. 6

December
1943



THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President:

JOHN B. HAMILL

Vice-Presidents:

JOHN P. CARRIGAN

JOHN S. O'CONNOR

Secretary:

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETING OF THE COUNCIL

OCTOBER 28th. The President in the Chair. Present: J. P. Carrigan and J. S. O'Connor, Vice-Presidents; C. G. Stapleton, J. J. Lynch, M. E. Knight, H. P. Mayne, W. J. Norman, Roger Greene, F. J. W. Darley, D. O'Connell, W. S. Hayes, G. A. Overend, J. C. Taylor, S. Ó hUadhaigh, P. F. O'Reilly, J. J. Bolger, W. S. Huggard, W. L. Duggan, J. Travers Wolfe, G. Murnaghan, Peter O'Connor, P. R. Boyd, E. F. Collins, R. A. Macaulay, A. Cox, J. J. Smyth, L. E. O'Dea, H. St. J. Blake, J. J. Dunne.

Examination Results

THE results of the October examinations were submitted and approved by the Council.

Annual Report

THE Draft Annual Report of the Council was adopted.

Draft Statutory Instruments Publication Bill

THE report of a Committee of the Council on this Statute was submitted and adopted and the Secretary was directed to communicate to the Attorney General the Council's approval of the proposed statute.

SCHOLARSHIP AWARDS

THE Overend Preliminary Scholarship for 1943 has been awarded to Eamonn P. Carroll.

The Overend Final Scholarship for proficiency in Real Property and Conveyancing has been awarded to Caleb C. McCutcheon, LL.B., T.C.D., who served his apprenticeship to Mr. William L. Hodgins, Nenagh.

The Findlater Scholarship on the results of the Final Examinations, held in October, 1942, and April, 1943, has been awarded to William J. A. Dundon, who served his apprenticeship to Mr. John J. Dundon, Limerick.

THE PRESIDENT'S ADDRESS TO THE STUDENTS

BEFORE announcing the results of the Society's Examinations, held in October, 1943, the President addressed the apprentices and intending apprentices in the Hall of the Society as follows :—

To-day it is my duty to announce to you the results of the recent Preliminary, Intermediate and Final Examinations, together with the results of the First and Second Examinations in Irish. As I pointed out on the last occasion, Universities have their ceremonies for conferring of degrees. The members of the Bar are called in Court by the Chief Justice, but in our department of the Legal profession, there is no ceremony or formality on admission. Personally, I am a believer in some ceremony in which the President of the Society can formally welcome to the ranks of the Profession, those who have been successful in their Final Examination and that he can then give them words of encouragement and hope for their future careers.

To-day I have again to congratulate all those who have been successful in the Preliminary Examination. To them and also to those apprentices who have not been under the obligation of presenting themselves for the Preliminary Examination but who are at the commencement of their apprenticeship, I desire, on behalf of the members of the Council of this Society, to wish them every success in their work and in their study, and to express the hope that they will realise that their future will depend on the manner in which they prepare themselves, during their years of apprenticeship and legal training. They should be particularly careful to gain all the legal experience in practice that they possibly can, in whatever office they may be apprenticed; and those who are apprenticed outside the city, should, when they are in Dublin for Lectures, be regular in their attendance in the Town Agent's Office and take advantage of all the extra training in the practice of work in the High Court, that they can possibly obtain. Perhaps it may seem rather strange to add that there should be introduced among our students a greater discipline and a greater desire to appreciate the necessities of the care and of the attention that they must give to their work when they are admitted to our Profession, and that they can only obtain the necessary training for that care and attention by regular and punctual attendance at the lectures given them by the Society and the exercise by them of restraint and discipline at these lectures.

Those who are attending lectures at the University should be most regular in their attendance and attentive to the subjects of the lectures.

To all who have passed the Intermediate Examination I also extend hearty congratulations and I would urge those successful candidates, now that they have passed the first stage in their training, that they should give greater attention to the work that they are doing in their offices and to the study of the subjects that are laid before them in the course for the Final. We feel that our apprentices should make every possible effort to equip themselves to the utmost both in their legal training and their practical work.

Again, to the students who are entering on their apprenticeship and to those who have just passed their Intermediate Examination, may I recommend that everyone of them should become a Member of the Solicitors' Apprentices' Debating Society and benefit by the ample opportunities that the Society affords to its members to become experienced in public speaking and debates. They will also benefit by the social activities of the Society. From the membership of this Society, they will gain the self-confidence that they will require when they are qualified and when they must attend Court on behalf of the clients who will be theirs in the future:

I would also urge upon them to endeavour to acquire such an excellent knowledge of theory and of practice that our future examinations will disclose results far more excellent than any that have been won by brilliant students of the past. I am especially pleased to be able to announce medal awards in the Preliminary and Final Examinations, and the award of the Findlater Scholarship for the first time since 1937.

To those of you who are now waiting for the results of the Final Examination, and who have passed that examination, I desire to address a few brief words of congratulation and encouragement. May I heartily congratulate all those who have passed their Final examination. May I wish to them, each and every one, a very brilliant career in the profession which they have chosen for their life work and may I hope that in the years that lie ahead, the students who leave this Hall to-day with the knowledge that they have passed their Final examination will be determined to carry on the traditions of many great members of our profession who have gone before them. Let them realise that in their hands lies the future of this profession and in their hands and

theirs alone, lies the possibility of retaining and of increasing the goodwill and the confidence of the people of this country, of the people that they propose to assist, to advise and to serve during their professional life. If we are to hold this respect and esteem, it will depend entirely on the conduct and the manner in which the younger practitioners conduct their business and the relations that they will maintain with the public, whom they will serve and with their fellow members of the profession. As I stated on the last occasion, every Solicitor should place before him the ideals of truth and honesty and never vary, no matter what the temptations may be, from the strict path of proper conduct in the cases that may be entrusted to him and a strict accounting to his clients for any money which he may receive. You will remember all the time that you are not a business, but a profession, and that, while we must be fair and honourable in all our dealings with the public, we must also be strictly honourable as regards our relations with our fellow professional men. No matter what the temptation may be, no matter what glittering prize may seem to await our efforts, never let this hope or desire take any one of you from the strict and narrow path of truth and of honesty in your relations with your fellow professional men and with those who entrust their business to you.

Perhaps it will not be out of place to urge that you young men should not alone be leaders in your professional life in the future, but that you may be leaders of your people, that you can be looked up to for advice, not alone on matters of law, but that you may be looked to, to advise the people of your district and the people of your country in the well-being of those people and in the government of those people. I would urge that, as far as you can, you should take an active interest in the affairs of the country to which we belong.

It is fitting, in this year of the celebration of Féile Leith Chéad Chonnradh na Gaedhilge, and in this week of the Oireachtas, to urge also every young Solicitor to do everything in his power, to spread among the people of this country, the love of their own tongue and to assist to bring back to general use the tongue of the Gael. It is now necessary for everyone of you to have a proper knowledge of the Irish language before you can be admitted to the profession. It was necessary for you to pass a First Examination in Irish and then to pass the Second or Final Examination in Irish to show that you are able

to conduct your business, both in Court and in your Offices, through the medium of our national tongue. Too many, when their student days are passed, neglect it. Too many forget that there is a great heritage of the Gael to be saved and that that can be saved only by those of this generation and in no hands can it hope to receive greater help than in the hands of young men and women, such as you are, in encouraging the work and rousing the enthusiasm of all the people of your district in what should be a great national movement. I do feel a little pride that in the position which I have the honour to hold to-day, I am the first since the establishment of this Society, who has addressed its apprentices and its members in our own tongue. I know that many more able speakers of Irish than I am, will follow me from year to year in this office, and I know that they too, will encourage other students in every possible way.

Tá uaim arís comhghárdeachais a dhéanamh le gach uile duine gur éirigh leis ins na scrúdúcháin de'n bhabhta seo agus iad-san go bhfuil an scrúdú deiridh buaidhte aca, 'sé guidhim dóibh ná go raibh gach uile shonas aca agus an rath ar a saothar ins na bliadhanta atá ag sineadh amach rompa. Go dtugaidh Dia gach uile bheannacht dóibh, agus díbh go léir.

RESULTS OF EXAMINATIONS, OCTOBER, 1943

Preliminary Examinations

At the Preliminary Examination for intending apprentices to Solicitors, held on the 11th and 12th October, the following passed the examination and their names are arranged in order of merit:—

1. Éamonn P. Carroll.
2. Micheál Ó hAodha.
3. Annie J. McGuinness.
4. Arthur Dey.
5. Jeremiah Ahern.

Ten candidates attended, five passed, five failed.

A GOLD medal has been awarded to Éamonn P. Carroll and a Silver Medal to Micheál Ó hAodha.

LEGAL PRACTITIONERS' (QUALIFICATION) ACT, 1929.

THE following passed a "First" examination in Irish under the above Act held on the 8th October.

Patrick J. Brennan.
 Michael P. Dimneen.
 Gerald H. H. Giltrap.
 James G. Hickey.
 Frederick M. Kelly.
 James Lynch.
 Daniel G. McCarthy.
 Thomas V. McCrann.
 William D. McEvoy.
 Annie J. McGuinness.
 Mary Matthews.
 Richard Moylan.
 Josephine P. Nolan.
 Micheál Ó hAodha.
 Joseph E. N. Quirk.
 Mary E. Rosney.
 Joseph M. G. Sweeney.

Twenty candidates attended, seventeen passed, three failed.

The following passed a "Second" Examination in Irish under the above Act, held on the 8th October.

Mary O'R. Huggard.
 Daniel O'C. Miley.
 Edmund O. Sheil.

Six candidates attended, three passed, three failed.

INTERMEDIATE EXAMINATION

AT the Intermediate Examination for apprentices to Solicitors held on the 1st October, the following passed the examination:—

Passed with Merit:

1. Ignatius K. Lynch.
2. Patrick Bergin.
3. Henry Lynch.
4. Michael D. Carlos.
5. John R. Gibney.
6. Bernard J. Carroll.

Passed:

Benedict J. Daly.
 Toirdhealbhách de Valéra.
 Desmond J. A. Dowdall.
 Joseph A. Egan.

James M. Farrelly.
 James P. Gilvarry.
 Brendan Hanafin.
 Patrick A. Healy.
 Gerard Horan.
 John D. F. Lyons.
 Arthur R. J. McDonald.
 Hubert C. Melvin.
 Bernard P. D. O'Kelly.
 Michael M. Phelan.
 Samuel J. Shaw.
 Cornelius Sheehan.
 John A. Thornton.
 David Twomey.

Thirty-two candidates attended, twenty-four passed, eight failed.

FINAL EXAMINATION

AT the Final Examination for apprentices seeking admission as Solicitors held on the 4th and 5th October, the following passed the examination and their names are arranged in order of merit:—

1. Denis H. O'Riordan.
2. Kevin P. McMorrow, B.A.; N.U.I.
3. Louis V. Nolan.
4. Oliver G. Fry.
5. Michael N. S. Gill.
6. David M. G. Slattery, B.A., N.U.I.
7. William H. Richardson.
8. Owen Goff.
9. Kevin J. O'Shaughnessy.
10. George C. Stapleton.
11. Kevin Nugent,
 Edward A. O'Doherty, } equal.
13. Raymond V. H. Downey,
 B.A., T.C.D. } equal.
 Eileen Neilan,
15. Michael G. O'Beirn.
16. Michael P. O'B. Kelly,
 Caoimhghin MacCathmhaoil, } equal.
18. William J. C. Horan.
 Eileen O'Reilly, } equal.
20. Walter P. Toolan, B.A., N.U.I.

Twenty-six candidates attended, twenty passed, six failed.

A Silver Medal was awarded to Denis H. O'Riordan and a Special Certificate to Kevin P. McMorrow, B.A., N.U.I.

LAW REPORTS

THE Incorporated Council of Law Reporting is willing to supply back numbers of the Irish Reports, unbound, to subscribers at reduced terms, *viz.*, £1 for each year's reports. The reduced terms will not apply to the reports for the year immediately preceding date of purchase. Applications should be addressed to Mr. F. Price, Librarian, Law Library, Four Courts.

OBITUARY

MR. JOHN ALEXANDER, Solicitor, died on the 26th October, 1943, at his residence, Lis-Varna, Whitehead, Co. Antrim.

Mr. Alexander served his apprenticeship with Mr. Charles R. Anderson of Coleraine, was admitted in Trinity Sittings, 1895, and practised originally in Coleraine and afterwards in Belfast until his retirement in 1936.

MR. ARCHIBALD V. MONTGOMERY, Solicitor, died on the 17th November, 1943, at Trim, Co. Meath.

Mr. Montgomery was admitted in Hilary Sittings, 1886, and practised as senior member of

the firm of Montgomery and Chaytor at 13 Molesworth Street, Dublin, up to the year 1920, when he was appointed County Registrar for Meath, from which position he retired in 1928. He was for many years Solicitor to Meath County Council.

MR. VINCENT P. KENNEDY, Solicitor, died on 18th November, 1943, in Dublin.

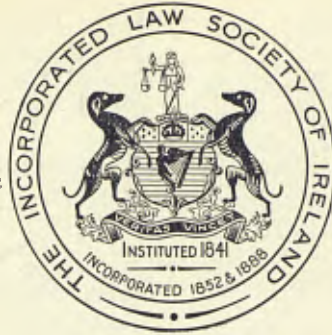
Mr. Kennedy served his apprenticeship with the late Mr. Hugh P. Kennedy, Cavan, was admitted in Trinity Sittings, 1900, and practised first in Cavan, afterwards in Dublin and Monks-town, up to the year 1942, when he retired. Mr. Kennedy sat as a Member of Parliament for West Cavan from 1904 to 1918.

MR. FRANCIS F. CULLINAN, Solicitor, died on 18th November, 1943, in Dublin.

Mr. Cullinan served his apprenticeship with the late Mr. John Cullinan, Ennis, was admitted in Hilary Sittings, 1895, and practised as senior partner in the firm of F. F. Cullinan & Co. at Ennis. Mr. Cullinan was Crown Solicitor for County Clare from 1911 to 1922.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors Buildings, Four Courts, Dublin. Telephone: 73002.





THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President:
LOUIS E. O'DEA

Vice-Presidents:
ROBERT A. MACAULAY
ARTHUR COX

Secretary:
ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEMBERS ARE REMINDED THAT ANNUAL CERTIFICATES SHOULD BE TAKEN OUT AND THE DUTY PAID THEREON BEFORE THE 6TH DAY OF FEBRUARY, 1944.

THE PRESIDENT

The Council on 2nd December elected Mr. Louis E. O'Dea of Galway to be President of the Society for the ensuing twelve months. The newly-elected President was admitted a Solicitor in Trinity-Sittings, 1905. He was elected a member of the Council in 1933 and was Vice-President of the Society for the year 1936-37.

Nuair a bhí an t-Uachtarán a5 tabhairt an trlabra oifigiúil do'n Uachtarán nuab dubhairt Seán Ó hAmaill:— "Is mór an tózáil choirde doimra plabna na h-oifige a cur oir. Tá fáil agam go dochar do Dia pláinte agur ponar

duit inr an mbliadan atá a5 teáct. Go zcuirid Dia an rae ar do cur oirne i rite na bliadna reo".

Do fneazair an t-Uachtarán mar leanar:—

"A cáirde go léir, Táim an-buirdeac uio6 mar zeall ar an onoir mór a tug rí6 dom inoiu, go mór mór mar zeall ar an bpáirte a tug rí6 dom mar buri n-Uachtarán. Ceapaim go bpuair mé gut nó vóta ó zac uinne 'ra tréomra reo agur rin é an fá6 ar glair6 mé "Cáirde go léir" oraid.

Tá fáirdeoir orim nac fear feileamnac mé leir an bpoir reo a lionad agur, a5 teáct inoiad na bpear léigeanta a cuair6 romam, nilim a6t mar adreann an rean focal "An rop'in áit na reuairte".

Tug Seán Ó hAmaill, an t-Uachtarán atá a5 uil amac ó oifis, a beannact agur deaz zuirde dom agur táim an-buirdeac do raoi na focla deara a dubhairt ré. Rinne ré obair máit cuair6 ar read na bliadna agur ber6 ré deacar fear a fazáil com máit leir."

THE VICE-PRESIDENTS

THE Council has elected Mr. Robert A. Macaulay, of Listowel, and Mr. Arthur Cox, of Dublin, to be Vice-Presidents of the Society for the coming twelve months.

MEETINGS OF THE COUNCIL

NOVEMBER 18th. The President in the Chair. Present: Mr. John S. O'Connor, Vice-President, Messrs. Roger Greene, G. A. Overend, Seán Ó hUadhaigh, Patrick F. O'Reilly, Eugene F. Collins, P. R. Boyd, John J. Bolger, W. S. Hayes, Henry P. Mayne, Daniel O'Connell, William J. Norman, A. Cox, John J. Smyth, Louis E. O'Dea.

Cost of Originating Summary Summons

A REPORT from a Committee referring to an apparent contradiction between Order 4, Rule 3 and Order 28, Rule 2 of the Rules of the High Court, 1926, (relating to the costs of an undefended Originating Summary Summons for a liquidated sum not exceeding £300) and Order 2, Rule 7 of the Circuit Court Rules was considered and it was directed that the matter should be brought to the attention of the Society's representatives on the appropriate Rule-making Committees.

NOVEMBER 26th. The President in the Chair. Present: Mr. J. P. Carrigan and Mr. J. S. O'Connor, Vice-Presidents, Messrs. W. S. Hayes, William J. Norman, Cecil Geo. Stapleton, G. A. Overend, Seán Ó hUadhaigh, E. M. Fitzgerald, Henry P. Mayne, F. J. W. Darley, Patrick F. O'Reilly, Eugene F. Collins, Daniel O'Connell, Hugh O'Donnell, A. Cox, John J. Smyth.

A number of applications from Apprentices were considered and dealt with.

DECEMBER 2nd. The President in the Chair. Present: Mr. J. P. Carrigan and Mr. J. S. O'Connor, Vice-Presidents, Messrs. W. S. Hayes, Cecil G. Stapleton, J. Travers Wolfe, Henry P. Mayne, E. M. Fitzgerald, Louis E. O'Dea, F. J. W. Darley, William J. Norman, J. J. Lynch,

G. A. Overend, Daniel O'Connell, Eugene F. Collins, Seán Ó hUadhaigh, Patrick F. O'Reilly, C. E. Callan, A. Cox, John J. Smyth, John J. Bolger, H. St. J. Blake, Roger Greene.

A number of matters were considered and referred to Committees of the Council for reports.

THE INCORPORATED LAW SOCIETY OF NORTHERN IRELAND

MR. A. S. MERRICK, of Belfast, was elected President of the above Society for the year 1943/44. The following are the extraordinary members on the Council of the Incorporated Law Society of Ireland for the year 1943/44: Messrs. Alexander S. Merrick, Charles McLaughlin, Geo. Murnaghan, James C. Taylor and Charles Thom.

THE SOUTHERN LAW ASSOCIATION

MR. J. J. HORGAN, of Cork, has been elected President of the Association for the year 1943/44. The following are the extraordinary members on the Council of the Incorporated Law Society of Ireland for the year 1943/44: Messrs. John J. Horgan, Edward Emerson, John F. Foley, Barry M. O'Meara and John J. Stanton.

LAW TERMS, 1944

Hilary Sittings, January 11th to March 31st.
Easter Sittings, April 17th to May 18th.
Trinity Sittings, June 1st to July 31st.
Michaelmas Sittings, October 10th to December 21st.

HALF-YEARLY GENERAL MEETING

THE Half-yearly General Meeting of the Society was held in the Members' Hall, Solicitors' Buildings, Four Courts, on Friday, 26th November, 1943. The President, Mr. John B. Hamill, was in the Chair. The following members of the Society were also present: Mr. John P. Carrigan and Mr. John S. O'Connor, Vice-Presidents, Messrs. E. F. Collins, A. Cox, F. J. W. Darley, E. M. Fitzgerald, W. S. Hayes, H. P. Mayne, W. J. Norman, Daniel O'Donnell, H. O'Donnell,

Seán Ó hUadhaigh, P. F. O'Reilly, G. Acheson Overend, John J. Smyth, C. G. Stapleton, J. H. Bergin, J. R. McC. Blakeney, D. B. Gilmore; W. Boyle Fawsitt, C. H. Maidment, H. R. Maunsell, R. D. English, T. D. McLoughlin, A. Keller, A. H. S. Orpen, J. R. Quirke, D. O'Donnell, J. J. Dudley, J. B. McCann, P. K. M. Carey, W. S. Barrett, William Walsh, T. J. Kirwan, J. E. Hamerton, I. Howe, R. N. Keller, P. Glynn, C. J. Joyce (Senr.), K. M. Meares, T. M. Dowling, A. J. McDonald, G. Grove White, H. E. M. W. Flanagan, J. Barrett, J. J. Hickey, George Crowley, C. T. Blair White, W. G. Bowers, G. Carr Lett, M. A. Moore, Denis Greene, Thomas Greene, C. M. Gore-Grimes, Raymond Kenny, E. G. Gleeson, C. O'Farrell, T. G. Quirke, L. Webb, Samuel Hayes, C. M. Glass, B. T. Walsh, M. A. Smyth, M. Purcell, M. J. Dunne, A. E. Walker, John Cusack, P. O'Leary, P. C. Moore, A. G. Joyce, J. W. Donovan, D. D. MacDonald, P. J. Cowan, T. H. R. Craig, R. L. McDonnell, D. J. Delany, P. P. O'Sullivan, James Fagan, P. J. Walsh, C. J. Gore-Grimes, J. P. O'Connell, Colum Gavan Duffy, F. W. Koenigs, A. J. Baldwin, R. J. Tierney, H. MacNeice, J. P. Smyth, D. M. F. Walsh, Gerald Byrne.

By permission of the Meeting the notice convening the Meeting and the Notice of Special Business were taken as read. The minutes of the Half-yearly General Meeting, held on May 17th were read, confirmed, and signed by the Chairman.

The Chairman, with the consent of the Meeting, signed the audited accounts of the Society for the year ending 30th April, 1943. Messrs. Kevans & Son, Auditors and Accountants were re-appointed Auditors for the year ending 30th April, 1944.

The Secretary read the report of the Scrutineers of the Ballot for the Council which stated that the following had been returned unopposed as Provincial Delegates: Ulster, John Gillespie; Munster, A. J. Blood-Smyth; Leinster, William L. Duggan; Connaught, Christopher E. Callan; and that for the thirty-one ordinary members of the Council, the following had been elected and received the number of votes placed after their respective names:—

Arthur Cox, 411; J. Travers Wolfe, 369; E. F. Collins, 365; J. B. Hamill, 359; W. J. Norman, 357; P. R. Boyd, 355; P. F. O'Reilly, 354; J. P. Carrigan, 354; H. St. J. Blake, 350;

L. E. O'Dea, 349; J. S. O'Connor, 344; G. A. Overend, 341; Peter O'Connor, 339; Seán Ó hUadhaigh, 338; H. P. Mayne, 331; W. S. Hayes, 326; Daniel O'Connell, 323; M. E. Knight, 321; J. J. Lynch, 321; J. J. Bolger, 303; H. O'Donnell, 293; J. J. Dunne, 289; W. S. Huggard, 283; Roger Greene, 283; Cecil Stapleton, 272; F. J. W. Darley, 270; M. G. R. Lardner, 269; J. J. Dundon, 268; R. A. Macaulay, 268; Edward Fitzgerald, 263; J. J. Smyth, 257; and that the following would form a supplemental list in case of vacancies: W. Gordon Bradley, 245; J. R. Quirke, 225; P. C. Moore, 199.

The President, in moving the adoption of the Annual Report said:

GENTLEMEN;

At our half-yearly meeting in May last, I referred to the very heavy loss our Profession had sustained by the death of so many members during that half-year. It is with very great regret that I have again to refer to the passing of so many members. Death has claimed an old and valued member, the late Mr. P. J. Brady, who was a well-known public representative. While member for the St. Stephen's Green Constituency in the British House of Parliament of 1910 to 1918, he was responsible for the enactment of the act providing meals for necessitous school-children. Mr. Brady was also a member of the St. Vincent de Paul Society and lent his ready help to other charitable works. He was Director of the Hibernian Bank and the Great Southern Railways. For many years a member of our Council, he was President for the year 1921-22. In addition, he was actively interested in the Solicitors' Benevolent Association, of which he had been a former Chairman and Trustee. During the last six months, death has also claimed Mr. William Ingram, Limavady, Mr. J. T. Cosgreave, Rathkeale, Mr. Louis A. Kennedy, Belfast, Mr. A. Plunkett Kenney, Dublin, Mr. Joseph G. Fitzgerald, Sir Henry Wynne, the last Chief Crown Solicitor of Ireland, Senator David L. Robinson, Mr. Patrick J. O'Hagan, County Registrar, Dundalk, Mr. John Davies, formerly of Dublin, and Registrar of the High Court of Justice, Northern Ireland, Mr. Gerard M. O'Brien, Dublin, Mr. Vincent P. Kennedy, Cavan, Mr. Francis F. Cullinan, formerly Crown Solicitor for Clare, and Mr. John Alexander of Belfast. Go ndéanaidh Dia trócaire ar a n-anama.

I propose asking you to take the Annual Report as read. It has been in the hands of every member

for some time, and has given you a detailed account of the activities of this Council during the past year.

With your permission, I desire to refer to certain matters set out therein. For some time past, we have constantly been receiving complaints from members about serious delays in the Land Registry. Every member will appreciate how these delays affect the general public in preventing their ordinary transactions being completed promptly. It also very seriously affects our members in their professional relations with their clients who naturally place the responsibility for this unnecessary delay on the Solicitor instead of on a department, with which the ordinary client has no contact and of which he has very little knowledge. On the 2nd July last, the Secretary wrote to the Department of Justice and pointed out the serious inconvenience caused by the lengthy delay in the Registry after documents had been lodged. A reply was received that this question was a subject of correspondence between the Departments of Justice and Finance. Again, on the 18th of last month, the Secretary wrote to the Department of Justice giving a number of instances of delays, and also sent a copy of this letter to the Registrar of Titles. The Registrar replied stating that the delays were due to lack of sufficient staff to deal with the increasing volume of work in the Land Registry. He added that he had made repeated representations to the Department of Justice and understood that the question of staffing was under consideration by the Department of Finance. We are all agreed that no blame is attachable to the Land Registry Officials who are not alone very efficient, but most courteous, and that the Department of Finance is responsible for the length of time they have allowed this matter to drift. I hope that by directing public attention to such a state of affairs, it will immediately be remedied. It is only right to draw our members attention to the fact that the Registrar states that a great deal of work is thrown on his staff by the careless manner in which some practitioners perform their conveyancing and registration work, leading to much correspondence, queries and rulings refusing registration, much of which would not be necessary if the documents were properly prepared. I trust that all solicitors will endeavour to see that all documents for registration in the Land Registry are properly prepared and so assist the officials in an obviously understaffed office, in carrying out their duties.

In my address at the last half-yearly meeting I referred to correspondence that passed between the Appointment Commissioners and this Society. As a result of this correspondence the Commissioners have agreed to regard 60 per cent. in the Society's Final Examination as equivalent to a University Honours Degree for candidates for Junior Administrative offices. The Commissioners will accept a certificate from the Society as sufficient evidence of the percentage secured by a candidate for one of these appointments.

I feel that I should refer also to another matter which is mentioned in the Annual Report and which is at present the subject of correspondence between the Secretary and the Department of Local Government. Section 20 of the Neutrality (War Damage to Property Act), 1941, authorises the compulsory acquisition of certain property by district planning authorities, on payment of compensation to the owner. The Act does not contain any specific provision for the payment by the public authority acquiring the property of the owners' costs of showing title, and I am informed that the public authorities require title to be fully shown in these cases. The Dublin Corporation have refused to pay the owner's costs of showing title in these cases on the ground that they have been advised by counsel that they have no power to make such payment in the absence of specific authority in the Act authorising the acquisition. In every other case of which I am aware, except one which I shall mention in a moment, it is the invariable practice of the local authorities to pay the owners' costs of making title where his property is taken compulsorily. The exception to which I have referred is the Derelict Sites Act, 1940, in which the Dublin Corporation has refused to pay the costs for a similar reason, viz., that they are not empowered by Statute to do so.

By direction of the Council the Secretary wrote to the Secretary of the Department of Local Government in July last, drawing attention to what are apparently omissions in both these Acts and asking that they should be remedied with as little delay as possible. A reply was received from the Department that the matter was being discussed with the City Law Agent. I am informed that in reply to a question in the Senate yesterday the Minister stated that he was satisfied that the public authorities had full power to pay these costs under existing legislation. It is clear that there is a difference of legal opinion between the Department and the Corporation,

for which the public are the sufferers, and which could easily be resolved by a short amending Act or, if necessary, by Emergency Powers Order.

A Notice of Motion for discussion at the meeting has been received suggesting that the Society should urge on the Minister for Justice the necessity for the setting up of a permanent Law Reform Committee, consisting of members of the legal profession, with a view to having the many anomalies and archaic rules in our laws removed or revised. I presume that this Notice of Motion has been sent in as a result of the remarks I made at our half-yearly meeting in May. On that occasion I referred briefly to this matter which requires the attention of the members of both branches of our profession, and the public generally, and suggested the setting up by the legislature of a Commission or Commissions to enquire into the reform of the laws. It would not be possible within the time at my disposal, to deal with this matter at any length. For all purposes it is possible to divide the subject of legal reform into certain divisions, some of which require immediate attention. For instance, the law affecting companies in this country is now completely out of date. We are governed here by the Companies' Act, 1908, and although there has been a call from all parties concerned for the amendment and complete codification of the laws affecting companies, nothing has been done. These laws have received close and careful attention in Great Britain, and have been brought up-to-date. A Commission was appointed to enquire into and report on the Bankruptcy laws. Although the Commission reported and made recommendations, no action has yet been taken which would bring the Bankruptcy laws into line with modern conditions. There is a very urgent demand for the repeal of laws affecting charities, all of which laws are relics of the penal days, and many of these laws are treated now as being dead letters and of no effect. The descent of Real Property and also succession to intestate estates require very careful attention, reviewing and amendment. Then we have the case of the unjust will, by which a man may leave his wife and family penniless. There are many other branches of law in this country which require careful consideration, with a view to bringing them up to date, and bringing them into line with the requirements of the people of this country. All this is a matter of very considerable labour and one which it would almost be impossible to entrust to one Commission. There has been for some time in various articles in the Press, a demand for the

codification of our laws. This is a somewhat different matter than that to which I am referring, which is not a codification, but a reform and amendment of laws unsuitable to the country, and particularly unsuitable to modern conditions. As a result of the remarks I made at our last meeting, correspondence took place between the Secretary and the Department of Justice. The Secretary of the Department suggested in correspondence that the Rule-making Authority of the Supreme Court, of which the President of this Society is an ex-officio member had full authority under Section 75 of the Courts of Justice Act, 1936, to consider the matter and make suggestions. I requested the Secretary to reply to the letter and point out that the work involved was so considerable that it would be a very unreasonable and unfair burden to place on such a Committee which consists of the Chief Justice, President of the High Court, Judges of the Supreme Court and High Court, representatives of the Bar and the President of this Society. The only manner in which this matter could be dealt with in a reasonable way would be as suggested in the Notice of Motion by the setting up of a Commission or Commissions to be presided over by a judge or other experienced lawyer, and to consist of members of both branches of the profession, representatives of the business community, of the Trades Unions and of the appropriate Government Departments. As I pointed out, it might be necessary in considering a matter of this importance that a number of such Commissions should be set up and, in fact, it might be desirable that it would be kept, for a time at least, in permanent session, and that they would be in a position to submit *ad interim* reports which should be at once available to the parliamentary draughtsmen to prepare the necessary legislation. There is nothing political in this matter and there should be no difficulty in having the necessary amended acts enacted without delay. I feel certain that all the members are in agreement on the necessity of such reform, and while I know there is a conservative opinion that this may not be our business, I do feel that a Society such as ours should give a direct lead and should make its opinions felt. I am certain that if such a Commission or Commissions be set up every member of our profession will give all the assistance in his power to enable the work of the Commission or Commissions to be completed in as short a time as possible. It may be appropriate to offer a criticism of the method adopted in passing recent legislation, in fact, a method that has been followed for some years, by which, in various Acts of the Oireachtas, existing legislation

has been amended by reference. I presume that we will all agree that this method of legislation is very unsatisfactory and imposes a very considerable burden of checking the various sections in former Acts of Parliament, which have been amended in this way and this burden affects not alone the members of our profession, but the general public. In addition, we are now faced with a very extraordinary growth of Departmental regulations under various Acts of Parliament, and particularly the growth, since this Great War started, of the regulations under the Emergency Powers Acts. We must recognise that during the emergency, such as we are faced with at the present time, it is necessary to entrust certain powers and duties to the various departments, but at the same time, there should be published, at least annually, a complete and proper index of the various Emergency Powers Orders, to enable all those interested, to ascertain immediately what particular regulation affects their business or profession. I would suggest that this method of Legislation by Order, should receive early attention and that as far as possible, it should be abolished. It is practically impossible at the present time, for the legal practitioner much less an ordinary member of the public, to follow the enormous amount of Emergency regulations that are being made from time to time.

There has been a growing practice, in recent years, of publication in the press of the value of estates of deceased persons, and in many cases, an epitome of the Wills. This frequently leads to very misleading information being conveyed to the general public, and occasions, frequently, very great pain and anxiety to the relatives of the deceased person. I quite realise that in many cases there may be news value in the paragraph in question, but the amount of news value can only apply to very large estates and I would suggest, with very great respect to the members of the Press, that they might consider the abolition of these items of news having regard to the distress which they cause in many cases.

I regret to have to report to you that there has been no further progress as regards the Bill for the better regulation of the Profession, which we submitted in draft to the Department of Justice for their consideration. I understand that the Bill is still receiving the consideration of that Department and also the other Departments which might be affected by it. I had hoped that

before my year of office had ended this Bill would have been at least introduced, and that we could have looked forward to its early enactment.

There is another matter that I wish to refer to, that there are very few of our intending apprentices who are candidates for the Overend Preliminary Scholarship, as most of these candidates are exempt from the Preliminary Examination. I trust that, in future, solicitors will direct the attention of intending apprentices to the fact that this Scholarship exists, and that the competition is at present very limited. The Scholarship is worth approximately £21 and I believe if the attention of intending apprentices were drawn to it, that there would be keen competition for the Scholarship.

It seems to me that the members of our Profession do not take their place in the public life of the country; particularly in provincial areas a Solicitor holds a very important position and he should, in addition to his professional activities, play a more active part in the public life of our country. His qualifications and his training amply endow him with the necessary attributes for public life and our profession could play a much more important part than they are doing to mould the destinies of the country to which we belong. I hope, therefore, that the younger members of our profession will take their places in the future Counsels of the nation. There is, at the moment, a great effort being made from all quarters to revive our national language. It has been made an essential subject for every apprentice, who must pass his "First" and "Second" Irish Examinations before being admitted a solicitor. I would appeal to these young men to play their part in the revival of the language, and by their example to spread it in the districts in which they live.

You will note that during the current year, the membership of our Society increased by forty members, compared with the previous year. There are 1,422 solicitors practising in the Twenty-Six Counties, of whom 68 also practise in Northern Ireland. This leaves a possible addition still to our members of 542, and I would again urge, as my predecessors have urged from year to year, that every solicitor should be a member of our Society. It would strengthen the Society in every way if we could say that every practising solicitor was a member of the Society.

Before concluding, I would desire to express my heart-felt thanks to the Vice-Presidents, Mr. Carrigan and Mr. O'Connor and also to every member of the Council for their wonderful co-operation, and for the splendid assistance they gave me in enabling me to carry out my duties during my year of office. I cannot conclude without joining the Secretary of the Society and all the officials in this expression of thanks. We have indeed been lucky in our selection of Secretary as a very worthy successor to our late Secretary, and I am deeply grateful to him for all the help and assistance he gave me.

There only remains for me to thank the Press for the very ample reports they gave during the past year, of the activities of the Society and to thank sincerely those gentlemen of the Press who are here to-day for their attendance.

I formally move the adoption of the report and accounts.

Mr. Boyle-Fawsitt seconded the adoption of the Report.

The following members addressed the Meeting on matters arising out of the Report: Messrs. M. Purcell, J. H. Bergin, A. E. Walker, P. Glynn, C. M. Gore-Grimes, George Crowley, P. C. Moore.

The President, having replied to the points raised, put the motion for the adoption of the Report which was carried unanimously.

The following Resolution, of which Special Notice had been given, was then proposed by Mr. Cox and seconded by Mr. Crowley: "That the Society urges on the Minister for Justice the necessity for the setting up of a permanent Law Reform Committee, consisting of members of the legal profession, with a view to having the many anomalies and archaic rules in our laws removed or revised." Messrs. J. J. Hickey, M. Purcell and T. D. McLoughlin having spoken, the motion was put to the meeting by the President and carried unanimously. Mr. A. H. S.

Orpen proposed that the best thanks of the Society be given to the President for his great services to the Society and the Profession during his year to office. The motion was seconded by Mr. T. H. R. Craig and carried with acclamation. The President thanked the meeting and the proceedings terminated.

NEW MEMBERS

The following have joined the Society:—

- Dominick M. Dowling, 22 Kildare Street, Dublin
- Edward J. Durnin, 21 Bachelor's Walk, Dublin.
- William B. Gavin, Eyre Square, Galway.
- Edmund Hayes, 20 South Mall, Cork.
- J. Desmond Kearns, Chief State Solicitors' Office, Dublin Castle.
- Timothy J. Kirwan, 25 Wicklow Street, Dublin.
- Roderick B. McConnell, 101 Grafton Street, Dublin.
- Caleb C. McCutcheon, 11 Pearse Street, Nenagh.
- Keith M. Meares, 41 St. Stephen's Green, Dublin.
- Francis A. J. O'Hare, 11 Lr. Ormond Quay, Dublin.
- Joseph L. Reilly, Drogheda.
- John J. Timoney, Tipperary.

FEBRUARY EXAMINATIONS

"FIRST" and "Second" Examinations in Irish will be held on 4th and 5th days of February, 1944. Notice of intention to attend either examination should be lodged in the Secretary's Office before the 14th January, 1944.

LECTURES, HILARY SITTINGS, 1944

SENIOR Lectures will begin on January 11th, 1944.
Junior Lectures will begin on January 13th, 1944.

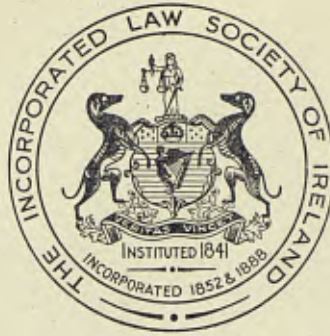
STATUTES OF THE OIREACHTAS

- | <i>Title.</i> | <i>Signed by the President.</i> |
|---------------------------|---------------------------------|
| 23. Appropriation (No. 2) | 2nd December, 1943. |
| 24. Expiring Laws. | 2nd December, 1943. |

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitor's Buildings, Four Courts, Dublin. Telephone: 73092.

Vol. 37
No. 8

February
1944



THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President :

LOUIS E. O'DEA

Vice-Presidents :

ROBERT A. MACAULAY

ARTHUR COX

Secretary :

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETINGS OF THE COUNCIL.

DECEMBER 9th. The President in the chair. Present : W. S. Hayes, F. J. W. Darley, C. G. Stapleton, Daniel O'Connell, W. J. Norman, G. A. Overend, Roger Greene, Seán Ó hUadhaigh, P. F. O'Reilly, J. S. O'Connor, J. B. Hamill, J. J. Smyth, E. M. Fitzgerald, H. P. Mayne.

Draft Solicitors' Bill, 1943.

A SPECIAL Committee of the Council was appointed to deal with points raised in connection with the Bill by Government Departments to which it has been circulated by the Department of Justice.

Newspaper Publication of Wills.

THE Secretary was directed to write to the Newspaper Managers' Association suggesting that newspapers should refrain from publishing particulars of the estates of deceased persons without

the previous consent of the personal representatives of the deceased.

Committees of the Council were appointed for the year ending 26th November, 1944.

JANUARY 13th. The President in the Chair. Present : Arthur Cox, Vice-President, W. S. Hayes, A. S. Merrick, J. J. Lynch, Daniel O'Connell, W. J. Norman, G. A. Overend, E. M. Fitzgerald, C. G. Stapleton, J. J. Bolger, P. R. Boyd, P. F. O'Reilly, E. F. Collins, W. L. Duggan, J. B. Hamill, J. J. Smyth, Roger Greene, H. P. Mayne, F. J. W. Darley.

Statutory Committee.

THE Secretary reported that the Chief Justice had appointed the following members of the Council to be the Statutory Committee for the year ending 26th November, 1944 : Messrs. E. F. Collins, J. B. Hamill, M. E. Knight, H. P. Mayne, L. E. O'Dea, Seán Ó hUadhaigh, and G. A. Overend.

Proceedings under S. 34 of the Solicitors' (Ireland) Act, 1898.

THE Secretary was directed to file an application with the Statutory Committee on behalf of the Society against a solicitor alleging that he has been guilty of professional misconduct.

The Secretary was directed to bring an application on behalf of the Society before the Chief Justice to have the names of two solicitors struck off the roll on the ground that they had been convicted of criminal offences.

CURRENT TOPICS.

Interviewing Opponent's Witnesses.

A MEMBER has drawn attention to a judicial pronouncement which should be noted in connection with the paragraph under the above heading in the November *Gazette*. In *Attorney General v. Fitzgerald* (68 I.L.T.R. 249) there was an appeal by Fitzgerald, the accused, against an order of the Circuit Judge refusing bail and remanding him in custody. The accused had been tried on charges on which the jury had disagreed and fresh charges were pending against him. One of the grounds on which the State opposed the granting of bail was the allegation that the accused had interfered with State witnesses. Per Hanna, J. "The next ground was that of interfering with State witnesses. I am not quite clear what 'interference' means, as suggested by the affidavit. Both accused and his solicitor, if they so desire, may interview witnesses for the State, so long as they do not suborn them to perjury. The mere fact of talking to or having a drink with a State witness is not of itself sufficient to disentitle the applicant to bail." This dictum of Mr. Justice Hanna should serve to dispel any doubts, if they ever existed in this country, as to solicitors' rights in such cases.

Solicitors' Income Tax.

THE COUNCIL is indebted to the English Law Society for permission to print the following report of the case, *Commissioners of Inland Revenue v. Elvy Robb & Co.* from the Law Society's *Gazette*. It should be noted that it is a decision of the British General Commissioners of Income Tax and not of a Court of Law. The sole question involved in the appeal was whether a loss sustained by the solicitors in the management of a client's affairs was an admissible deduction from profits.

The facts were that the solicitors had for many years managed the affairs of a lady client by collecting her income and disbursing the same in accordance with her instructions, the disbursements including periodical payments to the client herself. For a number of years the account had invariably been in credit, but as from 1931 there was a serious diminution of income, and by 1933 there was a debit balance of £369 due to the solicitors, which represented payments and advances made by them in excess of the income received. In 1933 the solicitors took a second charge from the client to secure £369 then due. This charge recited the facts and that the solicitors had only agreed to continue to act for the client upon having the security given. No interest had been charged on the balances due on the open account from time to time, but interest was reserved by the charge.

After the charge had been given, the solicitors continued to manage the client's affairs in the same manner as previously, but the income did not revive to the extent anticipated and, when the lady died in 1940, she was owing a further sum of about £130 in addition to the amount of £369 before mentioned. Both sums having proved to be irrecoverable, the solicitors claimed the right to set them off as deductions against profits, but the Inspector of Taxes concerned contended that the amounts in question had not been wholly or exclusively paid or expended for the purposes of the solicitors' profession in accordance with Rule 3 (a) of the Rules applicable to Schedule D, and were not losses connected with or arising out of the profession within the meaning of Rule 3 (e).

The Revenue also relied upon the cases of *Commissioners of Inland Revenue v. Hagart and Burn-Murdoch* (1929) A.C. 396; 14 T.C.433; (1928), S.C.745, and *W. A. and F., Rutherford v. Commissioners of Inland Revenue*, 23 T.C.8. The solicitors contended that their case was distinguishable from the two cases cited, because in both those cases specific advances were intentionally made to clients as such, and that in neither case did the solicitors concerned endeavour to prove any custom or practice of the profession in regard to making advances of that character. In their own case they urged that the debts arose in connection with a running account dealing with the management of a client's affairs, and that in making payments to or on behalf of a client, which in some instances exceeded the receipts on that client's account, they were merely acting in pursuance of a well recognised professional custom or practice. They called

several well-known solicitors, including a member of the Council of The Law Society, to give evidence as to the existence of such a custom or practice.

The Commissioners found that there was a usual practice or custom of solicitors to the effect claimed, and that the debts in question had been incurred in accordance therewith, and were therefore admissible.

Limitation of Actions.

SECTION 3 of the Fatal Accidents Act, 1846, provides that any action under the Act in respect of the death of a deceased person must be brought within twelve calendar months from such death. This and various other statutory limitations of time for instituting certain classes of proceedings must be constantly before the minds of those responsible for advising intending litigants. In a recent case under the Fatal Accidents Act, 1846, the plaintiff's solicitor wrote to the defendant's insurers to know whether liability was admitted. In a subsequent interview with the solicitors the representative of the insurers admitted verbally that they had not a good defence, and that negotiations should proceed on that basis, but that a writ would have to be issued in any event, whether agreement as to the amount of damages was reached or not, as the amount would have to be approved and apportioned by the Court. The solicitors for the plaintiff (who was administratrix of the estate of the deceased) subsequently issued a writ before the grant of administration had issued. At a later date they extracted the grant, withdrew the first writ, and issued another, but in the meantime the statutory period had expired. The defendant's insurers raised the defence that the action was statute barred. The English Court of Appeal held that the defendant and his insurers had agreed not to plead S.3 of the Statute as much as if that undertaking had been put into words, and that the attitude of the insurers in instructing their solicitor to plead the section was both misconceived in law and reprehensible. (*Lubovsky v. Snelling* 60 T.L.R. 52).

The words in the somewhat similar provision in the Public Authorities Protection Act, 1893, are that the action "shall not lie or be instituted" unless commenced within six months after specified events. It has been held that negotiations for a settlement do not prevent this statute from running. In view of the difference in the phraseology of the two sections, and the fact that it is the duty of public authorities to avail

of this statute, it may be that an implied waiver of the statute would require to be supported by stronger evidence than in the case of the Fatal Accidents Act, 1846.

Neutrality (War Damage to Property) Act, 1941.

THE DUBLIN City Manager has decided to make *ex-gratia* payments to owners of property acquired under the above Act in respect of their costs of making title for the Dublin Corporation, notwithstanding that the Act contains no express provision for the payment of such costs. In a circular letter to owners of property already acquired, or in course of acquisition, the Law Agent to the Corporation states that costs should be drawn on the basis of Sch. I of the General Order dated 16th April, 1884, made under the Solicitors' Remuneration Act, 1881. Where the Corporation has already paid or agreed to pay costs of negotiation the scale items dealing with negotiations should be excluded from the bill. The City Manager has also decided, as an act of grace, to consider claims for compensation received after the time specified in S. 20 (2) of the Act.

Junior Administrative Appointments.

THE Civil Service Appointments Commissioners, at the request of the Council, have agreed to accept 60 per cent. in the Solicitors' Final Examination as the equivalent of an Honours University Degree as a qualification for the above appointments in the Civil Service.

OBITUARY.

MR. JOSEPH M. COLLINS, Solicitor, died on the 12th December, 1943, at his residence, Menlo, Ballinacurra.

Mr. Collins served his apprenticeship with Mr. Patrick G. Collins, Limerick, was admitted in Michaelmas Sittings, 1937, and practised in Limerick.

MR. MICHAEL J. MACNAMARA, Solicitor, died on 21st December, 1943, at his residence, Green Park, Ennis.

Mr. Macnamara served his apprenticeship to the late Michael Macnamara, Ennis, was admitted in Hilary Sittings, 1900, and practised in Ennis.

MR. WILLIAM J. SKINNER, Solicitor, died on 22nd December, 1943, at his residence, Mountain Villas, Clonmel.

Mr. Skinner served his apprenticeship to the late Mr. James G. Skinner, Mitchelstown was admitted in Michaelmas Sittings, 1907, and practised at Clonmel up to the year 1926, when he was appointed County Registrar for County Tipperary.

THE REVEREND SIR JOHN O'CONNELL, LL.D., died at Brockenhurst, England, on 28th December, 1943. He served his apprenticeship to his father, Thomas F. O'Connell, 28 Bachelor's Walk, Dublin, and was admitted in Trinity Term, 1889. He became senior partner in the firm of Thomas F. O'Connell, Rooney and Co. He was, at various times, a director of the National Bank, a member of the Senate of Dublin University, and a Governor of University College, Cork, and was associated with a number of charities and scientific societies. He was knighted in 1914. He was a member of

the Council from 1919 to 1925 and served as Vice-President of the Society in 1923-24. He retired from practice in 1925 to enter the Benedictine Order. He subsequently left the monastery and, in 1929, was ordained as a secular priest, becoming curate of the Church of St. Patrick, Soho. In 1926 the distinction of the Order of the Holy Sepulchre was conferred on him by His Holiness Pius XI for services in connection with the Latin Patriarchate in the Holy Land. The President's Chair now in the Council Chamber was presented by Sir John to the Society in 1928. The chair is a fine example of the work of the late Mr. Hicks, carved in relief with the arms of the Society, and was presented to the Society in grateful remembrance of the many kindnesses received from the Council by both the donor and his father, the late Thomas Francis O'Connell, who was Vice-President of the Society in 1895-96. The late Sir John O'Connell was a life member and at one time a Director of the Solicitors' Benevolent Association in whose affairs he took a very active interest. He was a generous contributor to the funds of the Association.

ADMISSIONS AS SOLICITORS OF EIRE.

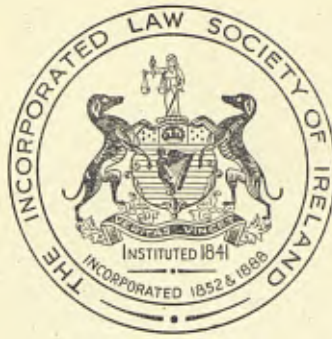
14th July, 1943 to 13th January, 1944.

<i>Name</i>	<i>Served Apprenticeship to</i>
Burke, George U. W., Myrtle Hill House, Montenotte, Cork	Barry M. O'Meara, Cork.
Downey, Raymond V. H., Stillorgan, Co. Dublin	H. J. W. Downey, Dublin.
Feran, John P., Tërmonfeekin, Drogheda	Laurence F. Branigan, Drogheda.
Hoyne, William, Thomastown	Francis Clohosey, Kilkenny.
Johnson, Patrick M. K., Ballymote	Alfred A. Rochford, Tubercurry.
McCütcheon, Caleb C., Nenagh	William L. Hodgins, Nenagh.
McMorrow, Kevin P., Spencer Harbour, Carrick-on-Shannon	Kevin Corcoran, Dublin.
Néary, Michael, 3 Quinsboro Road, Bray	Kevin Corcoran, Dublin.
Neilan, Eileen, Roscommon	Patrick J. Neilan, Roscommon
Nolan, Louis V., Sorrento Road, Dalkey	John T. Doyle, Dublin.
O'Byrne, Brendan P., 55 Dartmouth Square, Dublin ..	William J. Norman, Dublin.
O'Connor, Roderick J., 74 Merrion Square, Dublin ..	James J. O'Connor, Dublin, and Fintan O'Connor, Wexford.
O'Shaughnessy, Kevin J., Tramore	Edward O'Shaughnessy, Waterford.
O'Shea, John M., Woodville, Killarney	Cornelius Healy, Killarney.
Richardson, William H., Lr. Dodder Road, Rathfarnham ..	Trevor G. B. McVeagh, Dublin.
Rosney, Diarmuid, Cahirciveen	Patrick H. Rosney, Cahirciveen.
Stapleton, George C., Silchester Road, Glengageary ..	Cecil G. Stapleton, Dublin

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitor's Buildings, Four Courts, Dublin. Telephone: 73092.

Vol. 37
No. 9

March
1944



THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President:

LOUIS E. O'DEA

Vice-Presidents:

ROBERT A. MACAULAY

ARTHUR COX

Secretary:

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETINGS OF THE COUNCIL.

February 3rd. The President in the chair. Present : Mr. Arthur Cox, Vice-President ; Messrs. Roger Greene, Daniel O'Connell, W. S. Hayes, Cecil G. Stapleton, G. A. Overend, Eugene F. Collins, W. S. Huggard, P. R. Boyd, Patrick F. O'Reilly, John J. Smyth, John B. Hamill, H. St. J. Blake, John S. O'Connor, Peter O'Connor, Seán Ó hUadhaigh, F. J. W. Darley, Henry P. Mayne, E. M. Fitzgerald, William J. Norman.

A NUMBER of applications under Section 47 of the Solicitors' (Ireland) Act, 1898, for liberty to take out current practising certificates was considered and granted.

A number of applications from Apprentices were dealt with.

Enforcement of Court Orders Acts— Examination of Debtors.

ON a report from a Committee of the Council it was ordered that the representatives of the

Society on the appropriate Rule Committees should be requested to have the existing procedure under the Enforcement of Court Orders Acts 1926/40 considered by the Committees with a view to ascertaining whether any improvements can be made in the existing procedure.

February 24th. The President in the chair. Present : Messrs. A. Cox (Vice-President), Seán Ó hUadhaigh, John J. Smyth, John J. Dunne, John P. Carrigan, P. R. Boyd, Patrick F. O'Reilly, John J. Bolger, Cecil G. Stapleton, F. J. W. Darley, Daniel O'Connell, W. S. Hayes, G. A. Overend, J. J. Lynch, H. P. Mayne, W. J. Norman, E. M. Fitzgerald, Roger Greene, J. B. Hamill, J. Travers Wolfe, H. O'Donnell, John S. O'Connor.

Advertisements by Solicitors.

ON a report from a Committee, the Council considered two advertisements in the Dublin daily newspapers. One of these advertisements

purported to be inserted by a solicitor who was stated to be travelling to America, and offered to undertake commissions on behalf of solicitors. The other advertisement was inserted by a solicitor offering to undertake work for professional correspondents. The Council, by resolution, expressed its disapproval of advertisements of this nature and it was ordered that the view of the Council should be published in the *Society's Gazette*.

Proceedings Against a Solicitor.

THE Secretary was directed to instruct counsel to apply to the Chief Justice to have the name of a solicitor struck off the roll on the ground that he had been convicted of a criminal offence.

Apprentice's Applications.

A NUMBER of applications from apprentices were considered and dealt with.

PROCEEDINGS AGAINST SOLICITORS.

By order of the Chief Justice, dated 11th February, 1944, made on a report from the Statutory Committee, it was ordered that the name of Percy J. MacGrath be struck off the roll of solicitors in Eire on the ground of professional misconduct. Mr. MacGrath formerly practised at 15, Kildare Street.

By order of the Chief Justice, dated 11th February, 1944, made on an application by the Society, it was ordered that the name of Seamus S. Byrne be struck off the roll of solicitors in Eire on the ground that he had been convicted of a criminal offence. Mr. Byrne formerly practised at Mohill, Co. Leitrim.

By order of the Chief Justice, dated 11th February, 1944, made on an application by the Society, it was ordered that the name of John Joseph Kennedy be struck off the roll of solicitors in Eire on the ground of his conviction of a criminal offence. Mr. Kennedy formerly practised at 31, Wicklow Street, Dublin.

CURRENT TOPICS.

Appeal from refusal to grant adjournment.

By Section 24 of the Supreme Court of Judicature (Ireland) Act, 1877, the Court of Appeal (now the Supreme Court) was given jurisdiction to hear and determine appeals from any judgment or order of the High Court or any judges or judge thereof. Section 37 of the Courts of Justice Act, 1936, gives a right of appeal to the High Court, subject

to certain exceptions, from every judgment or order of the Circuit Court. An appeal lies in all cases other than in criminal cases from any decision of a District Justice to the Circuit Court under Section 84 of the Courts of Justice Act, 1924. On appeals, however, on matters of practice which are within the discretion of a judge of the Appellate Tribunal will, in general, refuse to interfere. The point, which is of interest to solicitors, as to whether an appeal will lie from the refusal of a judge to grant an adjournment or postponement of an action was recently the subject matter of a decision of the English Courts in *Dick v. Piller* (17 T.L.R.276). The case is of interest to Irish practitioners, for the statement of Scott, L. J. of the tests which, in his view, should be applied by the judge in granting or refusing an application for the postponement of an action on the ground of the inability of a witness to attend through illness. "If," he said, "an important witness—a fortiori if he is a party—is prevented by illness from attending the Court for an adjourned hearing, at which his evidence is directly and seriously material, what is the legal duty of the judge when an adjournment is asked for? In my view, if he is satisfied (1) of the medical fact and (2) that the evidence is relevant and may be important, it is his duty to give an adjournment—it may be on terms—but he ought to give it unless he is satisfied that an injustice would be done to the other side which cannot be reduced by costs." By Order XXXVI Rule 31 of the Rules of the Supreme Court, which is identical in terms with the corresponding English Rule, a judge may, if he thinks it expedient for the interests of justice, postpone or adjourn a trial for such time and to such place and upon such terms as he shall think fit. In order to found a right of appeal from the refusal of a judge or judges to postpone or adjourn an action it will be necessary to establish that such refusal was "a judgment or order" of the High Court—or the Circuit Court—or a "decision" of a Justice of the District Court, and this might present difficulty if the judge or justice simply made no rule on the application. It was held in *Maxwell v. Keun* (1928 I.K.B.) that a refusal to grant an application for the postponement of an action, coupled with a direction that the applicant should pay the costs of the application, was "a judgment or Order" of the High Court and subject to appeal, which in that case was allowed. Hanworth, M. R., after referring to the English Order XXXVI Rule 34, quoted with approval the judgment of the Court in *Sackville West v. Attorney General* (128 L.T.Jo. 265) in which it was stated that although it could not be said that

under no circumstances would the Court of Appeal be justified in interfering with the discretion of the learned judge in the Court below, yet it would only be in the most extraordinary circumstances that an application to review the decision of the judge as to the conduct of the business in his own Court could succeed; that the only case in which the Court of Appeal would so interfere would be if satisfied that the decision was such that, notwithstanding the exercise of the learned judge of the power of control which he would have over the action when it came on for hearing, justice did not result, and that he had failed to see that such would be the effect of his decision. While it might be difficult to found a right of appeal from the refusal of the Court to make any order on an informal application for an adjournment, it is probable that the refusal to grant an order for adjournment on an application made formally on notice and supported by affidavit would be a judgment or order and consequently subject to appeal. Having regard to the essential similarity in terms of the corresponding statutes and rules, it would appear that the right of appeal is governed by the same considerations in the Irish as the English Courts.

Action for negligence against Solicitors.

THE question as to whether an action for negligence by a client against his solicitor falls within the rule "*Actio personalis moritur cum persona*" was recently decided by the President of the High Court on hearing a reference of a preliminary point of law. The action on the pleadings was based on negligence. The defendant died while the action was still pending and his personal representatives pleaded that the alleged cause of the action abated on his death, as being founded on tort. His Lordship held that he was entitled to look at the substance of the action and not merely at the form of the pleadings. The test to be applied was whether the liability, if any, of the defendant to the plaintiff arose independently of any contract between them, or whether it arose out of obligations undertaken by contract. It seemed to him that the substance of the action before him was the breach of a duty arising out of a contractual obligation, and the claim, therefore, did not abate by reason of the death of the defendant. (72 I.L.T.R. 190).

Restriction of Rents Order.

EVERY Solicitor will probably need a copy of the Emergency Powers (No. 313) Order, 1944 (S. R. & O., 1944, No. 29) which came into force on 8th February, 1944. The effect of the Order is

to control the rights of landlords both in regard to recovering possession and increasing the rent of premises to which the order applies. Controlled premises are, subject to certain exceptions, defined as dwelling or business premises situate in the County borough of Dublin or the borough of Dun Laoghaire, if the rateable valuation does not exceed £60, and situate elsewhere if the rateable valuation does not exceed £40. Under Article 4, the basic rent of controlled premises which were let for a term not greater than five years on 7th May, 1941, is the rent payable on that date, or in the case of premises last so let on a date not earlier than five years before 7th May, 1941, the rent at such earlier date. In the case of controlled premises not within Article 4 the Court is empowered to fix the basic rent.

The Order provides for the recovery by tenants, but not retrospectively beyond 8th February, 1944, of any sum overpaid in respect of rent within six years after the date of payment thereof. It also contains an important provision enabling the Court in certain cases to rescind, retrospectively, ejection orders made before the making of the Emergency Powers Order. An application to have an ejection order rescinded under this Article must be made within three months from 8th February, 1944. The Order does not apply to premises already controlled under the Act of 1923. Copies of the Order are now on sale at the Government Publications Office, College Street, Dublin.

Solicitors' Documents in the Central Office.

THE attention of solicitors is directed to the fact that, from time to time, many of their documents and copies of documents are left in the Central Office of the High Court. Solicitors are reminded that these documents may be of importance to them and that they should be taken up from the Office. Experience in the Central Office has shown that in taking up their own documents solicitors' assistants sometimes also take away documents of other firms by inadvertence. We have been asked to remind solicitors of the necessity of care by their assistants in this matter, as mistakes may cause considerable inconvenience to other members of the profession.

Our Statute Roll

"A CALENDAR of the Statute Roll in Force" (1922-1943) is to appear early in March at *The Sign of the Three Candles*. The object of the book, which runs to about 100 pages, is to save pro-

tracted research by supplying a "plain and compendious chronicle of the public Acts now in force," passed since the Treaty. Prepared by Mr. Justice Gavan Duffy, the Calendar is intended primarily for the legal profession, and it records by short title, year and number, some 650 Acts, being all the public Acts passed since 1922 and surviving at January 1st, 1944, except the annual Central Fund Acts; the 'parts' of the major Acts are set out; all sections and sub-sections repealed are noted with a reference to the repealing Acts; and the appendices give lists of Acts repealed or expired. Only a limited edition is contemplated because of war difficulties. (Price 21/-, post free 21/6).

Two other publications of interest to solicitors are now on sale at the Government Publications Sale Office, 3/4 College St., Dublin: Acts of the Oireachtas bound volume for 1942, price 15/8, and Index to the Emergency Powers Orders, 1939-1943, price 1/11, both post free.

OBITUARY.

MR. ARTHUR G. RIGGS, Solicitor, died on 16th January, 1944, at Torquay.

Mr. Riggs was admitted in Trinity Sittings, 1883, and practised at Castlepollard up to the year 1926, when he retired.

MR. ALBERT WOODCOCK, Solicitor, died on 25th January, 1944, at his residence, Shanid, Brighton Road, Rathgar, Dublin.

Mr. Woodcock served his apprenticeship to the late Mr. George H. Lister, Dublin, was admitted in Trinity Sittings, 1918, and practised at 28, Molesworth Street, Dublin, under the style of Woodcock and Son.

MR. FRANCIS C. D. JOYNT, Solicitor, died on 29th January, 1944, at his residence, 89 Anglesea Road, Dublin.

Mr. Joynt served his apprenticeship to the late Mr. Samuel C. McCormick, Dublin, was admitted in Michaelmas Sittings, 1900, and practised under the style of Joynt and Crawford at 1 and 2 Foster Place, Dublin.

MR. HENRY EXHAM, Solicitor, died on 11th February, 1944, at his residence, 6 Alta Terrace, Monkstown, Co. Cork.

Mr. Exham served his apprenticeship to the late Mr. Thomas Exham, Cork, was admitted in Trinity Sittings, 1874, and practised as senior partner in the firm of Thomas Exham and Sons, at 10 South Mall, Cork.

A CORK colleague writes:—

The late Mr. Henry Exham was born on 27th April, 1853. He was educated at Knights School, Cork, and admitted a solicitor in 1874. Until two years ago he came to business regularly every day. He was a very able conveyancer and had a wide experience in Estate Duty Law. In his youth he was a keen yachtsman and continued to take an interest in the sport. He was a member of the firm of Thomas Exham and Sons, who are probably the oldest legal firm in Cork city, as they have been in existence since the beginning of the 18th and probably from the late 17th century. The earliest name of the firm was Carlton and Exham, but the partners for the last four or five generations have been solely Exhams. It may be doubted if there are many firms in Ireland with such a long record. Mr. Exham's brother, the late Mr. Alfred Exham, was solicitor to the Cork County Council and one of the leading local government lawyers in the country. Mr. Henry Exham was universally respected and looked up to by his fellow solicitors in Cork, and his passing severs a respected link with the past.

CORRECTION.

IN the obituary notice of the late Mr. William J. Skinner in the last issue of the *Gazette* it was stated that he had served his apprenticeship to the late Mr. James G. Skinner of Mitchelstown. This was a clerical error and we are glad to state that Mr. James G. Skinner—who formerly practised at Mitchelstown—is still living and practises at Clonmel.

LEGAL APPOINTMENT.

MR. PATRICK J. O'SULLIVAN, Solicitor, Tipperary, has been appointed County Registrar for County Tipperary. Mr. O'Sullivan was admitted in Hilary Sittings, 1936, and practised since his admission in Tipperary.

EXAMINATIONS, APRIL, 1944.

Examination	Date	Last day for giving notice
Final	April 3rd and 4th	March 13th
Preliminary	April 5th and 6th	March 14th

RESULTS OF EXAMINATIONS.

At the Examinations held on February 4th and 5th under the Legal Practitioners (Qualification) Act, 1929, the following passed the Examinations :

“ First ” Examination in Irish.

Caroline R. Bowen.
Patrick Fagan.
Justin J. Hegarty.
Mary B. P. Hickey.
Paul Kearns.
Michael C. Kelly.
Thomas J. Kelly.
Sarah C. Killeen.
Oliver A. Macklin.
Peter D. Maguire.
Michael J. O'Callaghan.
Sean E. O Dubhghaill.
Domhnall B. O'Sullivan.
John G. Ronan.
Myles P. Shevlin.

“ Second ” Examination in Irish.

James Binchy.
Robert W. R. Johnston.
Edward A. Kelly.
Sheila McCrann.
Arthur E. McMahon.
Thomas F. Millett.
Donal H. O'Byrne.
Thomas F. O'Reilly.
David M. G. Slattery.

EASTER SITTINGS, 1944.

THE High Court Easter Sittings commence on Monday, 17th April.

LECTURES EASTER SITTINGS.

JUNIOR class lectures commence on Monday, 17th April, at 2.15 p.m.

Senior class lectures commence on Tuesday, 18th April at 2.15 p.m.

CALENDAR, 1944.

THE Calendar of the Society for 1944 is now ready. After supplying orders already received about 50 copies are available and orders will now be accepted for these copies. Price 5/-, by post 5/6.

EXAMINATION PAPERS, 1943.

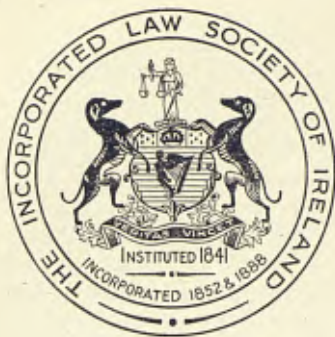
A PAMPHLET containing copies of the papers set at all the examinations held by the Society in 1943, can be obtained in the Secretary's Office, price 2/-, post free.

ADVERTISEMENT

WANTED for Dublin, Solicitor experienced in Conveyancing Office work. Reply to SEC., INCORPORATED LAW SOCIETY.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitor's Buildings, Four Courts, Dublin. Telephone: 73092.

Vol. 37
No. 10



April
1944

THE GAZETTE

of the

INCORPORATED LAW SOCIETY OF IRELAND

President :

LOUIS E. O'DEA

Vice-Presidents :

ROBERT A. MACAULAY

ARTHUR COX

Secretary :

ERIC A. PLUNKETT

FOR CIRCULATION AMONG MEMBERS

MEETING OF THE COUNCIL.

MARCH 23rd. The President in the Chair. Present : Messrs. A. Cox, Vice-President, Greene, E. Stapleton, Merrick, O'Reilly, Boyd, P. O'Connor, Smyth, Wolfe, Carrigan, Hamill, J. S. O'Connor, Ó hUadhaigh, Overend, Norman, Mayne, Darley, Hayes, O'Connell, Lynch, Fitzgerald, Dunne.

Solicitors' Bill.

THE COUNCIL considered a report from a Committee of the Council on a memorandum received from the Department of Justice.

Lectures and Articles by Solicitors.

THE COUNCIL passed the following resolution :—

"Any activity on the part of a solicitor of a self-advertising nature designed to attract business is clearly not permissible; lectures delivered or articles published by a solicitor contrary to this principle therefore necessarily involve a breach of professional etiquette."

Betting Act (District Court and Garda Síochana) Regulations, 1931.

ON A REPORT from a Committee, the Council directed that the attention of solicitors should be drawn to an error in form 5 in the Schedule to the above regulations, which states that the time for lodging an appeal to the District Court against the refusal by a Superintendent of the Garda Síochana of a certificate of fitness is 21 days, whereas the time, in fact, is only 14 days under the Betting Act, 1931 s. 13 (2).

CURRENT TOPICS.

Mortgage as Security for Untaxed Costs.

A POINT affecting solicitors, who may be compelled to accept a mortgage as security for costs due, instead of payment, was recently decided by the Supreme Court. The principal point in issue was

whether interest on a mortgage given by a client to his solicitor to secure untaxed costs, which have been agreed at an estimated amount, runs from the date of the mortgage or from the date of taxation of the costs. The point was dealt with in previous Irish cases which can be reconciled only on the assumption that the facts were not identical in all of them. In *Lawless v. Mansfield* (4 Ir. Eq. 113) the Court reserved the question of the solicitor's right to charge interest on the costs from the date of the mortgage deed, but by a later order, the reasons for which were not reported, the mortgage was declared to be security for the principal sum together with interest thereon at 6 per cent. per annum from the date of the mortgage until payment. In *Shannon v. Casey* (Ir. R. 8 Eq. 307) O'Hagan, L. C., referred to *Lawless v. Mansfield* as an unsatisfactory authority, and decided that a security taken by a solicitor for untaxed costs gave no right to interest on them in the absence of a special contract to pay such interest. The Lord Chancellor said: "There may be a contract to pay interest, if it be made with full knowledge, sufficient advice, and necessary warning, but, in the absence of those things, even a contract between solicitor and client will be of no force and the solicitor will have no valid claim for interest." In the result the solicitor was not entitled to interest on the untaxed costs. The decision of the Supreme Court is the latest authority on the question. A solicitor, having carried out legal work for a client, and having also advanced him sums of money from time to time, took a legal mortgage as security for the sum of £818, which consisted in part of moneys advanced to the client, and, in part, of costs and outlay due to the solicitor but not taxed. The costs were subsequently taxed at £280 3s. 6d. On proceedings being taken by the solicitor to have the mortgage declared well charged, the Examiner found and certified the amount due on the mortgage, and included interest on the amount of the taxed costs from the date of the mortgage to the date of his certificate. On an appeal being brought by the mortgagor to the Supreme Court, their Lordships were of opinion, with regard to the question of the interest claimed by the mortgagee on foot of so much of the mortgage as related to untaxed costs, that such interest could run only as from the date of the taxation, and the Court so held. There was no suggestion in the case that the solicitor had acted improperly, or that the costs were anything but fair and reasonable, and, although a reasoned judgment was not delivered,

the decision will probably be regarded as settling any doubts that may have survived the earlier Irish cases. [72 I.L.T.R. 66].

Samples in Oil Prosecutions.

A MEMBER of the Society has forwarded a copy of a letter which he received from the Department of Finance with reference to the taking by members of the *Gárda Síochána* and officers of Customs and Excise of samples of oil in motor vehicles with a view to possible prosecutions. The Department had been requested to instruct officers concerned that where samples of oil are taken under the powers conferred by Sec. 21 of the Finance Act, 1935, and the Emergency Powers (Use of Kerosene in Motor Vehicles) Order, 1941, an additional sample should be officially taken and handed to the prospective defendant when the latter so requests. The letter from the Department states that the Revenue Commissioners have decided to accede to the suggestion. Steps are being taken to instruct officers concerned that where samples of oil are taken in the circumstances in question, an additional sample, officially sealed and distinctly labelled, is to be supplied to the person concerned *if he so requests at the time when the samples are being taken*. The decision is being communicated to the Department of Justice with a view to the issuing of a similar instruction to the *Garda* Authorities.

Juvenile Courts.

A COUNTY Kerry member writes :

"I understand some effort is at last being made to improve the manner of dealing with children in the District Court. There is a special Court called the Children's Court in the cities of Dublin, Cork, Limerick and Waterford for the purpose, and I would suggest that, in the big towns too, a special Court should be held, say monthly, to deal solely with every offence relating to children (including school attendance cases), and that in each of the big towns there should be a member of the *Garda Síochána* (not below the rank of Sergeant) with special training to look after delinquent children, and that probation committees should be set up without delay to assist the District Justice when necessary."

"No attempt has been made to codify the law relating to 'children' and The Children Acts, 1908 to 1941 comprise some five statutes. The latest Act is indeed remarkable for its method of amendment."

DAIL EIREANN.

Official Reports, 14th March, 1944.

Practice of Solicitors' Profession.

MR. HUGHES : "Is the Minister aware that there is considerable dissatisfaction amongst the Solicitors' profession that steps have not been taken sooner to amend and modernise the law affecting the practice of their profession with a view to the abolition of the possible openings for abuse, and if he will indicate whether he intends to introduce suitable legislation, and, if so, at what date."

MINISTER FOR JUSTICE (Mr. Boland) : "A draft Bill on the lines indicated in the question has been prepared by the Incorporated Law Society and has been under examination in the Department of Justice and other Departments. The results of this examination have been communicated to the Society and, as soon as I receive their further observations, I shall lay the entire matter before the Government for consideration."

Land Registry.

MR. HUGHES : "Is the Minister aware of the great delay that occurs in the registration of applications in the Land Registry and in the handling of matters incidental thereto; whether other representations have been made to him in reference to this and, if so, on what date, and if he will indicate what steps he proposes to take to obviate the inconvenience caused to practitioners and their clients."

MINISTER FOR JUSTICE (Mr. Boland) : "I am aware that the position in regard to the matters referred to in the question is unsatisfactory. The cause of the delays and resultant inconvenience is shortage of staff combined with a marked increase

in the volume of business which has to be dealt with. I received representations in the matter last July from the Incorporated Law Society. My Department has been giving active consideration to the problem of providing the necessary extra assistance and I am hopeful that it will be found possible, without undue delay, to bring about a considerable improvement in the position."

EXAMINATIONS, JUNE, 1944.

Examination	Date	Last date for giving notice
First Irish	June 2nd and 3rd	May 12th
Second Irish	June 2nd and 3rd	May 12th
Intermediate	June 5th	May 15th

OBITUARY.

MR. MICHAEL VERDON, Solicitor, died at Castlebar on 22nd March, 1944.

Mr. Verdon was apprenticed to the late Sir Malachi J. Kelly of Castlebar, was admitted in Trinity Sittings, 1899, and practised at Castlebar up to the year 1918, when he ceased to practice.

MR. ERNEST I. THORNTON, Solicitor, died at his residence, John's Hill, Waterford, on 26th March, 1944.

Mr. Thornton was admitted in Hilary Sittings, 1885, and practised at Waterford under the style of I. Thornton and Son. One of the oldest practising solicitors in the country, he was the doyen of the profession in Waterford, where he commenced practice in conjunction with his father, the late Mr. Isaac Thornton, almost 60 years ago. He succeeded his father as legal adviser to the Waterford Harbour Commissioners.

A CALENDAR OF THE STATUTE ROLL FOR TWENTY-ONE YEARS NOW IN FORCE.

(6th December, 1922 to 31st December, 1943).

COMPILED by Mr. Justice Gavan Duffy, this work (98 pp.) presents a syllabus of the public Acts passed since the Treaty and now operative, showing what legislation survives and which Acts and sections of Acts are repealed. The surviving statutes tabulated number over 650, out of nearly 900 passed.

Obtainable from Mr. F. Price, Librarian, Law Library, Four Courts, or at The Candle Press, 5 Fleet Street, Dublin.

Price 21/- (post free 21/6). Interleaved copies to order, 23/6 (post free 24/-) from the publishers.

ALL Communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitor's Buildings, Four Courts, Dublin. Telephone: 73092.

INDEX TO VOLUME XXXVII

	Page		Page
Action for negligence against Solicitor	49	Negligence of solicitor	49
Admissions as Solicitors	19, 46	Neutrality (War Damage to Property) Act, 1941	22, 45
Advertisements by Solicitors	47	New Members	19, 41
Annual Report	29	Newspaper Publication of Wills	43
Appeal from refusal to grant adjournment	48	Obituary:—	
Apprentices in the Defence Forces	2, 21, 22	Alexander, John	33
Attorney General v. Fitzgerald	44	Bradley, Patrick J.	13
Baillie-Gage, Cecil	13	Cochrane, Hugh C.	2
Banks as Executors	17	Collins, Joseph M.	45
Bankruptcy in England affecting Irish lands	21	Cosgrave, John T.	13
Betting Act (District Court and Garda) Regulations, 1931	53	Cullinan, Francis F.	33
Calendar, 1944	51	Davies, John M.	27
Certificate of discharge of Income Tax	12	Exham, Henry	50
Commissioners of Inland Revenue v. Elvy Robb & Co.	44	Fitzgerald, Joseph G.	27
Commissioners of Inland Revenue v. Hogart and Burn-Murdoch	47	Hearty, Michael	2
Council Meetings 2, 8, 15, 21, 25, 29, 36, 43, 47,	53	Ingram, William A.	13
Court behaviour	24	Joynt, Francis C. D.	50
Dail Eireann	55	Kennedy, Louis A.	18
Dick v. Piller	48	Kennedy, Vincent P.	33
District Court Decrees	22	Kenney, Aloysius Plunkett	27
Easter Sittings, 1944	51	Macnamara, Michael J.	45
Emergency Powers (Use of Kerosene in Motor Vehicles) Order, 1941	54	Montgomery, Archibald V.	33
Emergency Powers (No. 285) Order, 1943	21, 22	O'Brien, Gerard L. M.	28
Emergency Powers (No. 313) Order, 1944	49	O'Connell, Rev. Sir John	46
Enforcement of Court Orders Acts, 1926-1940	25, 47	O'Hagan, Patrick J.	27
re Engels	27	Riggs, Arthur G.	50
English v. Murphy	22	Robinson, David L.	27
Erskine v. Somers	54	Skinner, William J.	46
Examination dates	6, 23, 41, 50, 55	Thornton, Ernest I.	55
Examination papers, 1943	51	Verdon, Michael	55
Final Examinations results	4, 32	Woodcock, Albert	50
Finance Act, 1935, Section 21	54	Wynne, Rt. Hon. Sir Henry A.	27
Findlater Scholarship	29	Omission to ask for costs	17
Fritz v. Hobson	17	Originating Summary Summons, Costs of	36
Gazette, The	16	Overend Scholarship	29
Half-yearly General Meetings	8, 36	Preliminary Examinations results	4, 31
Harrison Woolston & Co. v. Jackson & Son	5	President, 1943-44	35
re Incheape	17	President's address to students	3, 30
Incorporated Law Society of Northern Ireland	36	Proceedings against solicitors	44, 48
Intermediate Examination results	18, 32	Professorship of Common Law	3, 15
Interviewing opponent's witnesses	25, 44	Professional etiquette	25, 44, 47, 53
Irish Land Commission	8	Registry of Deeds	8
Junior Administrative appointments	45	re Reilly, a bankrupt in England	21
Juvenile Courts	54	Restriction of Rents Order	49
Landlord and Tenant (Amendment) Act, 1943	5	Rutherford v. Commissioners of Inland Revenue	44
Land Registry, delay in	55	Sackville-West v. Attorney General	48
Land Registry Rules	21	Samples in oil prosecutions	54
Law Reports	28, 33	Seanad Election	15
Law Terms, 1944	36	Search Fees	8, 16
Lectures	23, 41, 51	Skinner, W. J.	50
Lectures and articles by solicitors	53	In re a-Solicitor; in re Taxation of Costs	26
Legal Appointments:—		Solicitors and Stockbrokers	5
Ennis, James A.	28	Solicitors' Bill, 1943	43, 53, 55
Geary, James A.	6	Solicitors' documents in Central Office	49
Neilson, Ralph S.	6	Solicitors' Income Tax	44
O'Hagan, Desmond	28	Solicitors' Golfing Society	28
Pollock, George H.	6	Solicitors' liabilities as Estate Agents	16
Flynn, Cathal L.	13	Somers v. Erskine	49
O'Sullivan, Patrick J.	50	Southern Law Association	36
Legal Education	2	State aid for prisoners	2, 15
Legal Practitioners (Qualification) Act, 1929		Statute Roll	49
Examination Results	18, 32, 51	Statutes of the Oireachtas	23, 41
Limitation of Actions	45	Statutory Committee, 1943-44	43
Londonderry Corporation v. Gillespie and Glass	17	Statutory Instruments Publication Bill	29
Lubovskiy v. Snelling	45	Unqualified persons	2, 8
Mortgage as security for untaxed costs	53, 54	Vice-Presidents, 1943-44	36
		War and the Perpetuities Rule	27
		Watts v. Borough of Battersea	17
		Withdrawal of Bill of Costs	26
		Workmen's Compensation—Increase of weekly payment	12

Legal service, qualifications of final examinations as hon. university degree

134.

56 *witness of opponent, interviewing* 25, 44.







Best copy

