

W. F. Bylward

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams- "Law Society, Dublin."

Society's Telephone 2807 (2 lines).
Secretary's Telephone 4288.

May, 1914.

CONTENTS.

	PAGE
Annual Subscription	3
Half-Yearly General Meeting	3
Meetings of the Council	3
Council Meetings	5
Committee Meetings	5
Membership of Council	5
Easter and Trinity Sittings, 1914	5
Solicitors' Golf Competition	5
Legal Appointments	5
New Members	5
Obituary	6
Professorship of Common Law	6
New Solicitors	6
Trinity Sittings Lectures	6
Intermediate Examination	7
Recent Decisions affecting Solicitors—	
<i>Simpson v. Commissioners of Oaths</i>	7
<i>Bull v. Bowles and French</i>	7
Preparation of Conditions of Sale by Auctioneers	9
The Public Trustee, Ireland	10

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 1.]

May, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscription.

MEMBERS are reminded that their annual subscription to the Society became due on the 1st day of May, as follows:—

Town Members and Country Members of more than three years' standing entitled to vote at election of ordinary members of Council	£1	0	0
Other Country Members	0	10	0
Members who have not been admitted to the profession for three years	0	10	0
Press rent	0	5	0

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Friday, the 15th day of May, 1914, to elect Auditors, to nominate Scrutineers of Ballot for Council to be held on 23rd November, 1914, and to transact such further business as may come before the meeting. The chair will be taken at two o'clock p.m.

The following notice of motion, received from Mr. J. P. Rooney will be considered:—

"(1) To amend bye-law 3 by omitting from the words 'for Members taking out a country certificate' down to '£1,' and to make the consequential alterations in bye-law 32 by omitting the words from 'save' down to 'Members,' and in bye-law 33 by omitting the words 'one pound.'"

Meetings of the Council.

April 23rd.

Death of Mr. R. S. Reeves.

THE President referred in feeling terms to the death of Mr. Reeves, and moved the following resolution, which was passed:—

"The Council of the Incorporated Law Society of Ireland have heard with deep regret of the death of Mr. Richard S. Reeves, who for a period of thirty-seven years had been a member of the Council, and had filled the office of President of the Society in the year 1887-88 and again in the year 1899-00.

"The Council place on record their appreciation of the many valued services rendered to the Society and to the profession by Mr. Reeves, and give expression to the esteem and regard in which he was held by his professional brethren.

"The Council desire to convey to the relatives of Mr. Reeves the sympathy of the Council in their bereavement."

Half-Yearly Accounts.

Orders were made for payment of the half-yearly accounts passed by the Finance Committee.

Land Commission.

The Council having requested that Solicitors should have fuller opportunity of explaining delay before a case is put in the

list for explanation of delay, the following letter in reply from the Secretary of the Land Commission was read:—

The Irish Land Commission,
24 Upper Merrion Street,
Dublin, 25th March, 1914.

SIR,

In reply to your letter of the 13th instant, I am directed by the Irish Land Commissioners to inform you that the request of your Council has been considered by the Judicial Commissioner, who is of opinion that it is not desirable that the Examiner who has charge of a case should, as a matter of course, require the Solicitor having carriage to attend before him and explain delay. As a rule no case appears in the list until notice complaining of delay has been given more than once and no attention has been paid thereto.

It has been the practice for the Registrar to give notice of the intention to list a case to explain delay at least a week before the date of listing. The Judicial Commissioner has directed that in future a fortnight's notice shall be given. It will, of course, be open to a Solicitor, in any case in which there may be special reasons why the Examiners' rulings on title could not be complied with in a reasonable time, to attend before the Examiner and explain the matter before the case is listed.

I am, Sir,

Your obedient Servant,

(Signed), C. T. BEARD.

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

Resident Magistracy.

The recent appointment of a retired military officer to the position of Resident Magistrate having been considered at the previous meeting of the Council, the following resolution of the Council was forwarded to His Excellency the Lord Lieutenant:—

Resolved.—“The Council of the Incorporated Law Society of Ireland observe with regret and dissatisfaction the announcement of the recent appointment

of a retired military officer to the position of Resident Magistrate. The Council desire again to respectfully call the attention of His Excellency the Lord Lieutenant to the pre-eminent qualifications of Solicitors for the office of Resident Magistrate, and the Council are strongly of opinion that in justice to the profession and in due regard to public requirements Solicitors should obtain at least as many of such appointments as any other profession.

“The Council would point out that at present there are among the sixty-four Resident Magistrates only six members of the Solicitors' profession, and the Council feel that the claims of the profession have not met with fair recognition during the past four years.

“The Council hope that due consideration will be given to this resolution when next an appointment is being made to the office”

A letter was read from the Assistant Under Secretary for Ireland acknowledging, by direction of His Excellency, the receipt of the resolution.

Land Registry.

A deputation from the Council having conferred with the Registrar on the subject of delay in registrations in the Central Office of the Land Registry, their report was submitted. The deputation had informed the Registrar that the registration of Land Commission cases is nine months in arrear, and to this the reply was made that registration in these cases is only six weeks in arrear. The deputation asked for investigation into the matter, and it was found that registrations in Land Commission cases are complete up to within six weeks, but that notification of the registration is not sent to the Land Commission by the Land Registry until the mapping in each case is completed, and that the mapping is six or seven months in arrear. The Registrar, at the request of the deputation, undertook that in future, when registration is complete, notification will be sent to the Land Commission, so that registration and notification of Land Commission cases should in future be complete within at least six weeks of the vesting of the holding.

Common Law Professorship.

The election by the Council of a Professor of Common Law was fixed for 17th June. Further particulars appear in this GAZETTE.

Certificates.

Applications by two Solicitors for renewals of their certificates were considered, and orders were made in both cases.

Council Meetings.

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

May 6th and 20th.

June 3rd and 17th.

Committee Meetings.

THE following Committee Meetings were held during April:—

Costs, 2nd and 27th.

Gazette, 6th.

House, Library, and Finance, 21st.

Privileges, 30th.

Membership of Council.

MR. JAMES A. DENNING, a member of the Council, having been appointed to the office of Taxing Master, Mr. Adam Lloyd-Blood, being next on the supplemental list, has succeeded to the vacancy.

Easter and Trinity Sittings, 1914.

UNDER the new Supreme Court rule, which came into operation this year, Easter Sittings will terminate on Wednesday, 20th May, Trinity Sittings will commence on Wednesday, 3rd June, and will terminate on Friday, 31st July.

Solicitors' Golf Competition.

As announced in the last number of the GAZETTE the above competition, which is open to all Irish Solicitors, will be held on Thursday, the 21st May, at the Portmarnock Golf Links.

Intending competitors are particularly requested, with a view to facilitating the

Committee in making the necessary arrangements, to send in their entries as soon as possible to the Honorary Secretary (C. St. G. Orpen, 18 Stephen's Green, Dublin).

For the convenience of members of the Society an entry form will be found in the fold of this GAZETTE. There will be no entrance fee.

Draws for the morning competition (18 holes by strokes) will be made at 9.30 a.m., 10.30 a.m., 11.30 a.m., and 12.30 p.m.

Trains for Sutton leave Amiens Street Terminus at 8.55 a.m., 9.50 a.m., 10.50 a.m., and 11.50 a.m., and the draws will be made on the arrival of these trains.

Partners will be drawn for the foursome competition to be held in the afternoon, and competitors in sending in their entries will please state if they wish to play in both morning and afternoon competitions.

Optional sweepstakes will be run for both competitions, and the amount subscribed will be devoted to providing 2nd, 3rd and 4th prizes, as the Committee may determine.

Legal Appointments.

THE Lord Chancellor has appointed Mr. James A. Denning, Solicitor, of 12 Trinity Street, Dublin, to be a Taxing Master in room of Master Tandy, who has retired.

Mr. Denning has been a member of the Council of the Society since 1903, and filled the office of a Vice-President of the Society in the year 1907-08.

The Lord Chancellor has appointed Mr. John F. Culhane, Solicitor, of 15 Upper Mount Street, Dublin, to be a Taxing Master in room of Master Goff, who has retired.

The Lord Lieutenant has appointed Mr. Richard F. Barry, Crown Solicitor, Birr, King's County, to hold the combined office of Crown Solicitor and Sessional Crown Solicitor for King's County.

New Members.

THE following joined the Society during April, 1914:—

Boxwell, Wm. S. S., 5 Hume Street.

Chapman, Wm. E., Waterford.

Lambert, S. D., 16 Dawson Street.

Obituary.

MR. RICHARD S. REEVES, Solicitor, died upon the 20th April, at 89 Pembroke Road, Dublin.

Mr. Reeves, who served his apprenticeship with the late Mr. Samuel S. Reeves, was admitted in Easter Term, 1853, and was senior partner in the firm of Messrs. S. S. and E. Reeves, of 51 Merrion Square, Dublin. He was a member of the Council of the Society from 1876-1913, and filled the office of President of the Society in 1887-88 and again in 1899-1900.

MR. THOMAS MITCHELL, Solicitor, Birr, died upon the 9th April, at Walcot, Birr, King's County.

Mr. Mitchell, who served his apprenticeship with his father, the late Mr. Adam Mitchell, was admitted in Trinity Term, 1873, and practised at Birr, King's County. He was appointed Sessional Crown Solicitor of King's County, in succession to his father, in the year 1893, and held the office till his death.

MR. JOSEPH LYNNESS, Solicitor, Belfast, died at Carlton House, Belfast, upon the 15th April.

Mr. Lynness, who served his apprenticeship with Mr. Hugh Hayes, was admitted in Trinity Sittings, 1891, practised for some years in partnership with Mr. Hugh Hughes at Lurgan, and latterly practised by himself at 50 Upper Arthur Street, Belfast.

MR. JOHN M. WHELAN, Solicitor, Roscommon, died upon the 27th April, 1914, at Roscommon.

Mr. Whelan served his apprenticeship with the late Mr. Joseph Burke, Roscommon, was admitted in Hilary Sittings, 1882, and practised at Roscommon.

MR. CHARLES WM. ALLEYNE, Solicitor, Carrick-on-Shannon, died upon the 29th April, 1914, at Carrick-on-Shannon.

Mr. Alleyne served his apprenticeship with Mr. Richard Allen, Solicitor, Cavan, was admitted in Hilary Sittings, 1894, and practised at Carrick-on-Shannon.

Professorship of Common Law.

THE Council will, upon Wednesday, the 17th June, elect a Professor of Common Law to the Society in room of Mr. Frederick G. Sharpe, B.A., LL.D., T.C.D., Solicitor, whose term of office will expire at the end of Trinity Sittings.

The new Professor will enter upon his duties next Michaelmas Sittings.

The appointment will be made for one year; and the Professor appointed will be eligible for re-appointment for each of the four succeeding years.

A candidate for the Professorship must either be a practising Barrister or a practising Solicitor (in each case of not less than six years' standing), and he should send his application on or before the 9th June to the Secretary of the Society.

The duties of the Professor consist of delivering twelve lectures in Michaelmas Sittings, twelve lectures in Hilary Sittings, eighteen lectures in Easter and Trinity Sittings (making in all forty-two lectures in the year), and conducting *viva voce* examinations in the subjects of his lectures; and the Professor also examines in Common Law Theory at the three Intermediate examinations during the year. The lectures take place on Mondays and Thursdays at four o'clock p.m.

New Solicitors.

THE following were admitted during April, 1914:—

Name	Served Apprenticeship to
Baker, Cyril Leslie	John J. MacKenzie, Clonmel.
Roe, Patrick J.	Daniel O'Connell, Dundalk.

Trinity Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing by Professor Mayne on the following dates in Trinity Sittings, 1914:—

June 5, 9, 12, 16, 19, 23, 26, 30.

Lectures will be delivered to the Junior Class upon Common Law, by Professor Sharpe on the following dates in Trinity Sittings, 1914:—

June 4, 8, 11, 15, 18, 22, 25, 29.

Intermediate Examination.

The July Intermediate Examination will be held on Thursday, 2nd July. Notices from apprentices intending to present themselves for the examination should be lodged on or before Thursday, 18th June.

Recent Decisions affecting Solicitors.

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

KING'S BENCH DIVISION (ENGLAND).

(Before Mr. Justice Scrutton.)

SIMPSON v. COMMISSIONERS OF INLAND REVENUE.

Appeal to Referee under Finance Act—Term "expenses" distinguished from "costs."

Mr. W. Finlay moved on behalf of the Commissioners of Inland Revenue for an order of a Referee to be made a rule of the High Court under Section 33 (3) of the Finance (1909-10) Act, 1910. That sub-section provides that where there is an appeal to a Referee under Section 33 the Referee may, if he thinks fit, order that any expenses incurred by the Commissioners be paid by the appellant. In this case the Referee made such an order following the words of the statute; he did not assess the amount of the expenses to be paid.

Mr. Allen, for the appellant, contended that the order was bad for uncertainty. There was no machinery by which the amount of the "expenses" could be ascertained apart from a finding of a Referee.

Mr. Justice Scrutton held that the motion must fail. "Expenses" was not in England a term of legal art as it was in Scotland; it was a vague general term, possibly here used by Parliament because proceedings, before a Referee under the section were treated as very informal. If costs had been the word used the order would not be bad, because "costs" could be ascertained by taxation by the taxing master, a ministerial and not a judicial officer. This was the principle applied to the award of an arbitrator where either by statute or the terms of submission the award

could be made a rule of Court. *Holdsworth v. Wilson* (4 B. and S., 1). Apart from agreement, that rule did not apply where the award was that of an inferior Court. The rule did not apply here because the taxing master had no jurisdiction to tax "expenses." The Court in the absence of statutory provision had no power to remedy the defect by sending the order back to the Referee for him to assess the amount of the expenses. The motion must, therefore, be dismissed with costs.

(From *The Times* of 30th March, 1914.)

RECORDER (DUBLIN)—APPEAL.

(Before Dodd, J.)

BULL v. BOWLES AND FRENCH.

May 13, 1913.—*Sheriffs—"Execution" of writ of fi. fa.—"Withdrawal"—Fees—Or. LXV., Rr. 91 and 92 of the Rules of the Supreme Court (Ireland), 1905.*

In an action for fees brought by a sheriff against the Solicitors for the execution creditor the plaintiff must establish by legal evidence—(1) that there was in fact an "execution" of the writ of fi. fa.; and (2) if there has been a "withdrawal" that the same took place with the authority of the defendants.

A return of nulla bona is not necessarily inconsistent with an "execution" having taken place within the meaning of the Order, and evidence is admissible to rebut the presumption which arises from such a return.

Appeal from a decree dated April 7, 1913, of the Right Hon. the Recorder of Dublin in favour of the plaintiff, who is the Sub-Sheriff of the King's and Queen's Counties, for the sum of one pound, being the balance of fees for work done and money paid by the plaintiff for the defendants in connection with the execution of a *fi. fa.* in the case of *MacNeill v. Crennan*, together with the sum of five shillings for costs. It appeared that upon March 8, 1912, the defendants, who are a firm of Solicitors practising in the City of Dublin, acting upon behalf of their clients, James MacNeill & Son, Ltd., Glasgow, obtained a judgment of the High Court of Justice in Ireland, King's Bench Division, for the sum of £17. 6s. 11d., together with the

sum of £2 14s. for costs, against J. Crennan, of Abbeyleix, in the county of Queen's County. A writ of *fi. fa.* bearing date the same day was duly lodged with the plaintiff for the purposes of execution. Upon April 9, 1912, the plaintiff wrote to the defendants: "I made repeated attempts to secure payment of this but failed. Defendant has not, beyond his working tools, any effects worth seizing. He is neither able nor willing to pay. I incurred £1 1s. expenses, and on hearing from you I shall make a return to the writ." Upon May 24, 1912, the defendants replied, enclosing a copy of a communication dated April 12, 1912, which they had received from their clients, as follows: "We acknowledge your favour of the 10th and regret contents of the letter from R. Bull, copy of which you have sent us. It would appear to be useless doing anything further in this matter." A protracted correspondence ensued between the parties, the material points in which only are set out in this report. The plaintiff pressed for payment of £1 1s. for his expenses, and cited authorities in support of his contention that in the circumstances he was entitled to receive that sum. Upon the other hand, the defendants urged that they were under no liability "for fees in this case in which the return (to the writ) was *nulla bona*" over and above the 2s. 6d. paid on lodging the writ of *fi. fa.* Upon June 5, 1912, the plaintiff wrote to the defendants a letter which contained the following passage:—"In this case I made a seizure, but the goods were not of sufficient value to warrant me in putting you to the expense of placing keepers in charge, as I might have done, and I therefore withdrew and claimed only expenses out of pocket." Upon Dec. 8, 1912, the plaintiff pointed out:—"I am sure you will note that the return was not *nulla bona*," and the defendants, upon the following day, replied:—"Is it your case that if a sheriff, instead of making a return of 'no goods' to a writ, writes a letter stating that he cannot recover the debt he is then entitled to fees to which he would not have been entitled had he made a return? If this is your point, then we have been at cross-purposes the whole time, as we all along were arguing upon the assumption that the return was 'no goods,' and that a sheriff on a return of 'no goods' was 'only entitled to 2s. 6d. The

proposition that a sheriff by refraining from making a return to a writ can entitle himself to fees that he would not otherwise be entitled to is quite novel to us." Upon March 4, 1913, the plaintiff intimated that he was about to file a return, which, he added, would cost the defendants 1s. 6d. more. The return to the writ of *fi. fa.* was as follows:—"By virtue of the within writ to me directed and delivered I seized on certain goods and chattels of the within named defendant on his premises at Abbeyleix, and certain of said chattels being claimed by third parties, and then others being of insufficient value to meet the costs and expenses of keeping and selling the same, I abandoned said seizure; and I further return that said defendant had not any further effects in my bailiwick whereupon I could or can levy. So answers, &c."

Dodd, J.—In order to entitle the plaintiff in this action to succeed in recovering the fees sued for he must satisfy the tribunal upon two points. He must first show that the writ of *fi. fa.* was "executed," and secondly, he must establish by legal evidence that the execution had been "withdrawn by the person or persons at whose instance the sheriff was required to execute the same." It has been stated before me that Mr. Justice Gibson has decided that in any case in which a return of *nulla bona* has been made there cannot have been an "execution," and *Ryan v. Richardson* (25 Ir. L. T. R. 24) is cited for the purpose of establishing that proposition. It has also been stated that Mr. Justice Madden has decided, in *Stevenson v. Moorehead and Wood* (30 Ir. L. T. R. 139), that in every case in which there has been a return of *nulla bona* there must have been an "execution." I do not so interpret the decision of either judge. Mr. Justice Gibson held that a writ cannot be executed when there is nothing to seize, and with that view I thoroughly concur. Mr. Justice Madden decided that where a seizure has been made and has proved abortive, and has been withdrawn at the instance of the execution creditor or his solicitor, even though there be a return of *nulla bona*, in that case the sheriff's fees are payable. He, however, found as a fact that there was an execution. I decide that a return of *nulla bona* may be made where there has been an execution and withdrawal, and I refer to the

well-known case of *Wintle v. Freeman* (11 A. & E. 539) as an authority for that proposition. I also decide that a return of *nulla bona* may be made when there has been in fact no seizure of anything. In this case, on the facts before me, I have no evidence at all of there being either any "execution" or any withdrawal at the instance of the execution creditor. I have no proof before me that the sheriff was directed to withdraw. Indeed in the carefully prepared return to the writ he says that he "abandoned said seizure." This decision is not in any way in conflict with *Pirie v. Stewart* ([1899] 2 I. R. 546), in which it was decided by Mr. Justice Kenny that the writ had been in fact executed in that case. In his judgment he pointed out that a sheriff who returns *nulla bona* to a writ of *fi. fa.* does *prima facie* preclude himself from alleging that a seizure took place. I quite agree. The whole of the facts here go to show that the bailiffs, finding that there was nothing to seize, made no attempt at a seizure, and returned to their employer. This case does not, in my opinion, decide any question of law. I must reverse the decree of the learned Recorder, but I do so entirely upon the questions of fact which were involved in this case.

(Reported *I. L. T. Reports*, Vol. XLVII., p. 261.)

Preparation of Conditions of Sale by Auctioneers.

THE *Irish Times* of 18th April states that at Londonderry Quarter Sessions upon the 17th April the Recorder made an important statement in reference to the preparation of conditions of sale by auctioneers. The matter had been brought under the notice of the Judge by Mr. Joseph Loughrey, solicitor, during the hearing of a case, when an auctioneer stated that the draft conditions of a sale of land had been made in his office by his managing clerk. On behalf of the legal profession Mr. Loughrey raised an objection to auctioneers preparing draft conditions of sale. It was an abnegation of the rights of solicitors. He handed in a decision on the

point, and asked for an expression of opinion from the Recorder, mentioning that in this particular instance he did not ask for any condign punishment.

The Recorder said that he thoroughly agreed with the decision of County Court Judge Moore of Tipperary on the point. It was given in a case where an auctioneer had acted absolutely as a solicitor and conveyancer by preparing abstracts of title, conditions of sale, and conveyances. This auctioneer was sued before His Honor Judge Moore for a penalty under the third section 27th and 28th Victoria, chap. 8. That section provided that except a man was registered as a conveyancer, or got a special qualification as such, or was a barrister, solicitor, or attorney—people who were entitled to draft conveyances—he was liable to a penalty not exceeding £20 or less than £5 in a suit brought against him by a common informer, or anybody, for doing so. For any act done by such a man as conveyancer any person could sue him before the Court, and if it be proved a penalty could be recovered against him. There was before His Honor at these Sessions a case where an auctioneer in that and the neighbouring county had been acting as a conveyancer by drafting conditions of sale and doing various acts that should be done by solicitors or other properly qualified conveyancers. The matter did not come before him in a way that he could deal with it; but the solicitors asked him to make some mention of it, and he did so, not only in the interests of the solicitors, but auctioneers throughout the country. He informed the auctioneers that if they proceeded in the way he knew from personal experience they had been doing, in drafting these documents and acting as conveyancers, any member of the public could sue them before him, and recover £20 or not less than £5. It was only right that they should be warned and know what the law was. He now gave that warning, and he would undoubtedly follow Judge Moore's decision in any case that came before him.

NOTE.—The decision of His Honor Judge Moore referred to above is that in the case of *Wakely v. Toppin*, reported in GAZETTE of February, 1914, page 86.

The Public Trustee, Ireland.*(Irish Land Act, 1909, Sec. 38 (1) (a)).*

LIST of Securities in which Investments have, in certain cases, been approved by the Public Trustee, Ireland, to 2nd January, 1914.

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

Foreign Government Securities.

Argentine Government $4\frac{1}{2}\%$ 1888-9 Sterling Conversion Loan.
 Argentine Government, 4% Bonds, 1908.
 Argentine Government $4\frac{1}{2}\%$ Internal Gold Loan, 1888.
 Argentine Government Railway Guarantee Rescission 4% Bonds.
 Argentine Government 4% Bonds, 1899.
 Argentine Government 5% 1884 Loan.
 Argentine Government $3\frac{1}{2}\%$ External Sterling Bonds, 1889.
 Argentine Government 4% 1897 Bonds.
 Argentine Government 4% Loan, 1898.
 Argentine Government 5% Railway Bonds of 1890.
 Argentine Government 5% Internal Gold Loan, 1907.
 Argentine Government 5% Internal Gold Loan, 1909.
 Argentine Government 5% Loan, 1886-7.
 Argentine Northern Central Railway Extensions 5% Government Mortgage Bonds.
 Argentine Government 4% Bonds, 1900.
 Brazilian Government 4% Bonds, 1889.
 Brazilian Government Railway Guarantees Rescission 4% Bonds.
 Brazilian Government 4% 1910 Loan.
 Brazilian Government $4\frac{1}{2}\%$ 1883 Loan.
 Brazilian Government $4\frac{1}{2}\%$ 1888 Loan.
 Brazilian Government 5% 1908 Loan.
 Brazilian Government 5% 1895 Loan.
 Brazilian Government 4% 1911 Loan.
 Brazilian Government Companhia Lloyd Brasileiro 4% Sterling Bonds.
 Chilian Government $4\frac{1}{2}\%$ 1886 Bonds.
 Chilian Government 5% 1892 Loan.
 Chilian Government $4\frac{1}{2}\%$ Loan, 1893.
 Chilian Government 5% 1905 Loan.
 Chilian Government $4\frac{1}{2}\%$ Loan, 1895.
 Chilian Government $4\frac{1}{2}\%$ Gold Loan, 1906.

Chilian Government 5% 1896 Loan.
 Chilian Government 5% Loan, 1910.
 Chilian Government 5% 1911 Loan.
 Chilian Government 5% 1911 Loan, 2nd series.
 Chilian Government 5% Loan, 1909.
 Chinese Government $4\frac{1}{2}\%$ Gold Loan, 1898.
 Chinese Government 5% 1896 Gold Loan.
 Chinese Government 5% Gold Loan, 1908.
 Chinese Government 5% Tientsin Pukow Railway Loan.
 Chinese Imperial Railway 5% Gold Loan.
 Chinese Imperial Government 5% Shanghai, Hangchow, Ningpo Railway Loan.
 Chinese Imperial Railways, Canton, Kowloon Railway 5% Sterling Bonds.
 Chinese Government Imperial Chinese Railways, Shanghai, Nanking Line 5% Sterling Bonds.
 Cuban Government $4\frac{1}{2}\%$ Gold Bonds, 1949.
 Danish Government 4% Loan, 1912.
 Egyptian Government $3\frac{1}{2}\%$ Preference.
 Egyptian Government $3\frac{1}{2}\%$ Preference Inscribed Stock.
 Egyptian Government 4% Unified Debt.
 Finland $4\frac{1}{2}\%$ Government Railway Bonds.
 German Imperial 3% Loan.
 Greek Government 4% Railway Loan, 1902.
 Hungarian Government 4% Gold Rentes.
 Japanese Government $4\frac{1}{2}\%$ Sterling Loan (1st series).
 Japanese Government $4\frac{1}{2}\%$ Sterling Loan (2nd series).
 Japanese Government 4% Sterling Loan, 1899.
 Japanese Government 4% Sterling Loan, 1905.
 Japanese Government 4% Sterling Loan, 1910.
 Mexican Government Gold Loan, 4%, 1904.
 Mexican Government 5% External Consolidated Gold Loan, 1899.
 Norwegian Government 4% Loan, 1911.
 Prussian $3\frac{1}{2}\%$ Consols.
 Russian Government $4\frac{1}{2}\%$ 1909 Loan.
 Russian Government 4% Consolidated Railway Bonds.
 Russian Government Grand Russian Railway 4% Bonds (Nicolas Railway).
 Russian Government, Dvinsk-Vitebsk Railway 4% Bonds.
 San Paulo 5% Treasury Bonds.
 San Paulo 5% Sterling Loan, 1888.
 San Paulo 5% Treasury Bonds, 1913.

Siamese Government $4\frac{1}{2}\%$ Sterling Loan.

Spanish Government 4% Sealed Bonds.

Swedish Government $4\frac{1}{2}\%$ Loan, 1913.

Uruguay $3\frac{1}{2}\%$ Consolidated Loan.

Railways. United States of America.

Atcheson, Topeka, and Santa Fé Railway 4% Convertible Gold Bonds; 1955.

Atcheson, Topeka, and Santa Fé Railway 4% Adjustment Bonds.

Baltimore and Ohio Railroad 1st Mortgage 50-year 4% Gold Bonds.

Baltimore and Ohio Railroad $4\frac{1}{2}\%$ Convertible Gold Bonds, 1933.

Baltimore and Ohio Railroad, South Western Division, 1st Mortgage $3\frac{1}{2}\%$ Gold Bonds.

Central Pacific Railway 1st Refunding Mortgage 4% Gold Bonds, 1949.

Chesapeake and Ohio Railway $4\frac{1}{2}\%$ 20-year Convertible Gold Bonds.

Chicago, Milwaukee and St. Paul Railway 4% 1934 Gold Bonds.

Chicago, Milwaukee and St. Paul Railway 4% General Mortgage Gold Bonds, 1989.

Chicago, Milwaukee and St. Paul Railway $4\frac{1}{2}\%$ General Mortgage Gold Bonds, 1989.

Great Northern Railway (St. Paul, Minneapolis and Manitoba 4% Sterling Extension Bonds).

Great Northern Railway (Minnesota) $4\frac{1}{2}\%$ First and Refunding Gold Bonds (Series A), 1961.

Louisville and Nashville Railroad Unified 4% Gold Bonds.

Louisville and Nashville Railroad, Atlanta, Knoxville and Cincinnati Division, 4% Bonds.

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

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

Minneapolis, St. Paul and Sault Ste Marie Railway 4% 1st Mortgage Gold Bonds.

New York Central and Hudson River Railroad 30-year 4% Gold Debentures, 1934.

New York Central and Hudson River Railroad $3\frac{1}{2}\%$ Gold (Lake Shore) Bonds.

New York Central and Hudson River Railroad, Michigan Central Collateral $3\frac{1}{2}\%$ 1998 Gold Bonds.

New York Central and Hudson River Railroad 4% Mortgage Bonds, 1998.

New York, New Haven and Hartford Railroad 4% 1956 Debentures.

Norfolk and Western Railway 4% 1st Lien and General Mortgage 1944 Gold Bonds.

Northern Pacific Great Northern Railways 4% Joint Bonds, Chicago, Burlington and Quincy Collateral.

Northern Pacific Railway 3% General Lien Railway and Land Grant Gold Bonds.

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

Pennsylvania Railroad 4% Consolidated Mortgage Sterling Bonds, 1948.

Southern Pacific Company 4% Central Pacific Collateral Gold Bonds.

Southern Pacific Railroad 4% 1st Refunding Gold Bonds.

Union Pacific Railroad 4% 1st Mortgage Gold Bonds.

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

Railways. Mexico.

Mexican Southern Railway 4% 1st Mortgage Debenture Stock.

Railways. Argentine Republic.

Argentine Great Western Railway 5% Debenture Stock.

Argentine Great Western Railway 4% 1st Debenture Stock.

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

Bahia Blanca and North Western Railway $4\frac{1}{2}\%$ 2nd Debenture Stock.

Bahia Blanca and North Western Railway 4% 1st Debenture Stock.

Buenos Ayres and Pacific Railway $4\frac{1}{2}\%$ Consolidated Debenture Stock.

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

Buenos Ayres and Pacific Railway $4\frac{1}{2}\%$ 2nd Debenture Stock.

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

Buenos Ayres Great Southern Railway 4% Debenture Stock.

Buenos Ayres Western Railway 4% Debenture Stock.

Central Argentine Railway $3\frac{1}{2}\%$ Central Debenture Stock.

Central Argentine Railway 4% Consolidated Debenture Stock.

Railways. (Canada.)

Canadian Pacific Railway 4% Debenture Stock.

Ontario and Quebec Railway 5% Permanent Debenture Stock.

The following are the terms of Section 38 of the Irish Land Act, 1909, above referred to:—

38.—(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, on the request of the tenant for life, notwithstanding anything in the settlement to the contrary, invest the purchase money, or any part thereof, in the following manner (that is to say):—

(a) With the sanction of the Public Trustee—

(I.) in any of the public stocks or funds or Government securities of any foreign government or state; or

(II.) in mortgages, bonds, debentures, or debenture stock charged upon the undertaking of any railway company in the United States of America, Mexico, the Argentine Republic, or Canada, which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock;

(b) and without such sanction—

(I.) in the mortgages, bonds, debentures, or debenture stock of any railway company in the United Kingdom incorporated by special Act of Parliament which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock; or in the preference stock of any such railway company which has, during a like period, paid a dividend on its ordinary stock;

(II.) in the stocks or shares of any tramway or light railway, dividends upon which are guaranteed under the Tramways (Ireland) Acts, 1860 to 1900; or

(III.) in the stock, mortgages, bonds, debentures, or debenture stock issued or

to be issued by the Council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order;

and may from time to time, subject to the like conditions, vary any such investment.

(2) The Public Trustee, in any case in which his sanction is required for an investment under this Section, shall, before sanctioning the investment, satisfy himself that there is a reasonable probability that the investment will, if realised on the death of the tenant for life, or the termination of the trust, produce an amount not less than the sum invested; and the Public Trustee shall not incur any liability on account of any sanction given or withheld by him in good faith.

(3) The powers of investment conferred upon trustees by this section shall be in addition to any powers of investment conferred on them by the terms of the settlement or by Act of Parliament, and such last-mentioned powers may be exercised notwithstanding anything to the contrary in the settlement.

(4) A trustee shall not incur any liability by reason of any investment made by him in exercise of the powers conferred by this section.

(5) Sub-sections (1), (2), and (3) of section fifty-one of the Act of 1903 shall cease to have effect.

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

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

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Society's Telephone 2607 (2 lines),
Secretary's Telephone 4266.

June, 1914.

CONTENTS.

	PAGE
Half-Yearly General Meeting.	15
Meetings of the Council	22
Council Meetings	23
Committee Meetings...	23
Legal Appointments	23
Commissioners to Administer Oaths	23
New Members	23
Obituary	23
Trinity Sittings Lectures	23
Intermediate Examination	23
Solicitors' Golf Competition	23
Dates of Summer Assizes, 1914	24
Recent Decisions affecting Solicitors—	
<i>Exparte School Board for London</i>	25
<i>Parratt v. Parratt</i>	26
<i>Matthews v. Commissioners of Inland Revenue</i>	26
<i>Charlton v. Myson and another</i>	27

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 2.]

June, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the Society was held upon Friday, 15th May, in the Solicitors' Buildings, Four Courts. Mr. Henry J. Synnott, President, was in the chair, and the following members were also present:—

J. E. MacDermott (Vice-President), Sir A. F. Baker, A. E. Bradley, Gerald Byrne, John H. Callan, George Collins, W. Houghton Fry, Charles G. Gamble, William S. Hayes, James Henry, A. Lloyd-Blood, R. A. Macnamara, G. M. Meares, James Moore, James Murphy, A. H. S. Orpen, C. St. G. Orpen, T. G. Quirke, I. J. Rice, J. W. Richards, W. V. Seddall, W. J. Shannon, W. T. Sheridan, C. A. Stanuall, J. H. Walsb, R. G. Warren, R. Blair White, Sir George Roche, William Fry, T. C. Franks, C. H. Chaytor, Henry Shannon, T. Montgomery, F. G. Sharpe, P. K. White, D. Dunne, H. J. M'Cormick, H. D. Draper, C. J. Crowley, John O'Sullivan, F. A. Greene, E. S. Lowe, E. S. Lowe (junr.), W. J. Brett, D. A. Quaid, Patrick Rooney, H. C. Neilson (junr.), E. E. Merrick, T. J. Greene, John Hawthorne, W. D. Sainsbury, A. G. Joyce, J. P. Tyndall, J. R. O'Connell, W. J. Ryan, Peter Seales, W. J. M. Coulter, L. J. Kenny, J. V. Dunn, James Brady, W. H. Geoghegan, O. P. Beater, G. Cussen, F. O'Sullivan, E. F. M'Hugh, M. Buggy, Edwin Lloyd, G. M. Collins, J. T. Hamerton, W. G. Bradley, R. A. O'Brien, P. G. Fry, E. R. Bate, R. MacNeice, H. V. B. White, F. V. Gordon, John Moloney, J. Perry, R. French, W. Henry, W. J. Lundy, E. M'Neill, M. J. Byrne, C. H. Denroche, S. R. Bowles, E. Condell, C. F. Mathews, T. H. R. Craig, W. S. Collis, R. Ryan, Henry Rooke, T. L.

Rooke, W. I. Good, G. E. Grove White, Robert Hayes, W. Read, A. E. Walker, E. J. French, H. H. Bonass, J. T. Doyle, M. Dawson, N. Taylor, H. C. Neilson, R. T. Holmes, C. T. Blair White, Wm. C. Gage, Guy B. Pilkington, H. M. P. Hare, H. R. Tweedy, D. F. Moore, R. Powell, M. S. Orr, R. Scholefield, B. Thompson, Wilmot Lloyd, A. H. Orpen, S. Kerr, Chas. Quirke, M. J. O'Neill, H. C. Roper, T. F. Monks, C. Grimes, R. M. Kieran, G. H. Parkes, W. P. Triston, C. W. Russell, P. Grimes, G. A. G. Byrne, W. J. Byrne, R. Stephenson, F. E. Bermingham, F. D. Darley, H. R. Maunsell, J. Pride, H. P. Mayne, E. E. Brady, J. W. Dyas, C. P. Wilson, W. H. Sutton, B. G. Barton, S. M. Bell, E. J. Kenny, E. N. Edwards, L. L. McC. Dix, L. O'Reilly, T. J. Deering, H. Malley, F. R. M. Crozier, W. B. Hardman, V. F. Kirwan, C. G. Thompson, Charles Corcoran, A. H. Burne, Patrick J. Moran, T. B. Middleton, R. A. Walker, W. T. O'Sullivan, H. J. W. Downey, A. T. Ellis, W. P. Carey, Joseph M'Dermott, O. E. Barber, J. H. H. Giltrap, Jas. O'Brien, P. J. Masterson, W. S. Boxwell, B. R. W. Doran, Walter Beatty.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, and the minutes of the Half-yearly General Meeting, held upon the 26th November, 1913, which were signed by the President.

On the motion of Mr. Henry, seconded by Mr. Macnamara, it was resolved that Messrs. F. Gifford, W. W. Carruthers and D. B. Dunne be appointed Auditors of the Accounts of the Society for year ending 30th April, 1914.

On the motion of Mr. C. St. G. Orpen,

seconded by Mr. W. H. Fry, it was resolved that the ballot for election of Council be held upon Monday, the 23rd November, 1914, instead of Saturday, the 21st November, 1914.

The President nominated the following five members of the Society to act as Scrutineers of ballot for Council on 23rd November, 1914: Messrs. J. J. Cartan, E. N. Edwards, W. H. Geoghegan, J. G. Perry and P. K. White.

THE PRESIDENT addressing the meeting said:—Before proceeding to give you some short account of the Council's work during the half year I should like to make reference to the loss which we have sustained by the recent death of Mr. Richard Reeves, one of the most honoured members of our profession. Mr. Reeves was on the Roll of Solicitors for over sixty years, during the whole of which time he was in large practice, and for no fewer than thirty-seven of those years he was elected by his brother Solicitors a member of this Council and twice President of the Society. He was an original member of the Solicitors' Benevolent Society, and always one of its largest subscribers and most generous benefactors, and I think it can be truly said of him that no man in his lifetime was more closely or honourably identified with all that is best in our profession. Those of us who served with him on the Council, and knew him in his professional life, realise deeply that his death leaves a gap in our ranks which it will be hard to fill.

The first subject I shall refer to is what may be called our hardy annual, indeed our hardy half-annual, namely, the

County Courts (Ireland) Bill,

promoted by this Society. You will recollect that about this time last year it was announced in the House of Commons on behalf of the Chief Secretary that, inasmuch as the Irish County Court Judges recommended the codification of the entire law relating to County Courts in Ireland and also certain alterations in the law likely to give rise to controversy, the Chief Secretary regretted in the circumstances there was no opportunity for introducing legislation on the subject. On learning of this statement the Council requested the Lord Chancellor to arrange for a conference with the Co. Court

Judges and, as the President informed you at our annual meeting, this conference was held last October. As a result, the recommendation for the codification of the law was withdrawn, and no difficulty was experienced in coming to an agreement with the Co. Court Judges as to the changes to be made in the Bill to meet their views. The first work taken up by the newly elected Council for the present year was the drafting of the amendments and new clauses necessary to give effect to what had been agreed on at this conference. We communicated these new clauses and amendments to the Co. Court Judges, strongly recommending that some of them should not be insisted on as jeopardising the chance of passing the Bill, and the Judges met us on every point, and the Bill, as now drafted, meets with their entire approval. The past history of our efforts to get the Bill through Parliament convinced us that it would be futile to have it again brought in as a private member's Bill, and we, therefore, determined to approach the Government with a view to getting the Bill introduced as a Government measure. A deputation from the Council, consisting of Mr. Patrick J. Brady (who is one of our Vice-Presidents), Mr. Gerald Byrne and myself, waited by appointment on Mr. Birrell on the 17th of January last. We explained to him the position of the Bill, and that complete agreement had now been come to with the County Court Judges; and, further, that the Bill had been approved of by the Bar Council, the Associated Chambers of Commerce and other public bodies in Ireland; in fact, by every public body which appeared to us to have any real interest in the matter. We told Mr. Birrell quite frankly that the Council could not undertake definitely that the Bill would be unopposed, but that so far as we could ascertain it was not threatened with any serious opposition. In reply, the Chief Secretary stated that he was aware of the necessity of the Bill, and that the Government would be glad to have the credit of passing it, but that, unless unopposed, the Bill, in the present state of business in Parliament, would have no chance of passing even if introduced as a Government measure. We thereupon asked the Chief Secretary to take up the Bill on the basis that it was a practically unopposed measure, and he agreed

to send on the Bill at once to the Government's own advisers for a report, and stated that he would communicate further in the House with Mr. Brady. A report emanating from the Irish Office was received by Mr. Brady from the Chief Secretary in the beginning of the month of February, and by him transmitted to the Council, and I am sorry to say that this report is very adverse to the prospects of our Bill. It is too long to read here in full, but I shall give you some extracts from it. The Report says:—

"This Bill is practically the same as that introduced by Mr. Brady in 1911, with the addition of five new clauses and some new provisions. The Bill of 1911 was regarded as highly contentious, and would have been opposed vigorously if it had gone to second reading, and there is no reason for supposing that this Bill would meet with a more favourable reception. Indeed, some of the new clauses and provisions are likely to provoke further opposition. The object of the Bill is to amend the existing County Court Law in Ireland, and the opposition appears to arise from the belief that the Bill is unduly favourable to creditor plaintiffs and the legal profession. Many of the proposals of the present Bill were embodied in Bills introduced by Lord Ashbourne in the House of Lords in 1901 and 1902. These Bills passed the House of Lords, but were abandoned in the House of Commons on account of similar objections. Whether the objections were well founded or not, there is no doubt that the Bill is largely the outcome of representations made by traders and commercial bodies who seek for further facilities for the recovery of debts and realisation of decrees in the County Court, and that a number of the clauses do in fact grant such facilities."

The report then analyses several clauses of the Bill, and proceeds:—

"These clauses are cited not because it is suggested that the proposals are unfair or improper, but in order to explain the grounds on which the opposition to the Bill is based, and to show that, whether the opposition is justified or not, it is quite impossible to treat the Bill as an agreed measure."

The Council at once sent a detailed reply to this report, which would occupy too much time to read now, but I think it right to state here publicly that we still find it difficult to

believe that the Bill would meet with any serious or sustained opposition if it were introduced as a Government measure. The notices of opposition hitherto given to the Bill in the House of Commons were few and from unimportant quarters, and if we were only informed more definitely from whom the opposition foreshadowed in the Irish Office report is anticipated, I think we should be able to go a long way to overcome it. It is, of course, quite true to say that the provision in the Bill would improve the antiquated procedure for enforcing the payment and collection of debts through the medium of the Co. Court, but it is not true to state that the legal profession is in any way favoured by its provisions. I cannot believe that any opposition could be described as serious which was based merely on the principle that Irish creditors should not be made to pay their debts, and if serious opposition exists it must rest, or rather ought to rest, on some firmer ground. We may be on the eve of great legislative changes in Ireland, and I have reason to think that the true genesis of the threatened opposition arises from a feeling in some influential political quarters, that ours is a Bill which would be better dealt with by an Irish Parliament and as part of a larger reform in the whole Co. Court system in Ireland. If this view prevails it means the postponement of the consideration of our Bill for probably another three or four years, though the reforms called for are urgently needed. Moreover, I was quite unable to understand how in any way the passing of our Bill, which merely seeks to improve procedure, would impede the carrying into effect of greater reforms hereafter, if such were found necessary. Whatever the cause of the opposition, it is deplorable that this humble Bill, which is approved of by the Bench, the Bar, and the Solicitors' Profession, and is urgently demanded by practically the whole trading community in Ireland, should not be able to make any headway in Parliament. The Council has received no rejoinder from the Irish Office dealing with our reply to their report, but we are in frequent communication with Mr. Brady in the House of Commons, and I have his authority for stating that for the present, at all events, there is no prospect of making any progress with the Bill. Another matter which arose

during the half year of general interest to the profession was the question of the scale of costs payable to solicitors for making title to lands compulsorily acquired under the

Labourers Acts.

You will recollect that the Local Government Board are empowered by the Act of 1906 to make rules fixing our fees after consultation with the President of this Society, and in the month of February I received a request from the Board to meet them relative to the draft of a new order which the Board proposed to make in substitution of the rule fixing the scale contained in the Labourers (Ireland) Order, 1912. This draft order proposed very serious reductions in the already meagre schedule of fees prescribed by the order of 1912. Without going too much into detail I may state that it seriously reduced every item in the scale of fees and cut down by 50 per cent. the optional bulk fees for deducing title, which you will recollect began with £2 2s. where the compensation payable did not exceed £60. I had two conferences with the Board, by whom I was received most courteously, and the representations of the Council made through me were given full consideration. As a result of these conferences the more important items in the scale of fees were restored and so was the optional scale of fees as contained in the order of 1912, and a new fee of £1 1s. was introduced in cases where the compensation payable does not exceed £25. The most satisfactory feature of the new order, a copy of which you will find in the March number of our GAZETTE, is the omission from it of the rule providing the compulsory fixed fee of 10s. 6d. for deducing title to land taken from an occupier—a rule against which the Council had always protested. An optional minimum fee of £1 1s. is now open to solicitors, whether acting for owner or occupier, and the Local Government Board are reasonably anxious that this optional fee of £1 1s. should be accepted by solicitors for occupiers in all but very complicated cases. But while the Council are prepared to recommend solicitors to make use of these optional fees in every case possible, we are not prepared to recommend either District Councils or their solicitors to act on the advice contained in the Memorandum dated 4th April last, issued by the Local

Government Board to District Councils, which probably some of you have seen. This Memorandum advises District Councils to dispense with the examination of title to the occupation interest in every case, and to pay the compensation money to whomsoever may happen to be in actual occupation, relying on the indemnity sections contained in the Labourers Acts. Any such practice would probably lead to complication and injustice, and I can only say that the following further recommendation contained in the Memorandum is astonishing:—

“Again, in the case of holdings purchased under the Land Purchase Acts which are now held by the owners subject to purchase annuities, the abstract of title obviously should not go back beyond the Vesting Order of the Irish Land Commission in relation to the lands.”

That is to say, that when the Land Commission have vested a holding in a purchasing tenant “subject to equities” these equities are to be disregarded in paying over compensation money. It seems to me that solicitors for District Councils may possibly undertake a heavy personal responsibility, if they act on any such recommendation. We also succeeded in doing good work in reference to the costs of proceedings under the

Housing of the Working Classes Acts.

The system under which the arbitrator appointed under that Act, against whose decision there is no appeal, arbitrarily measured the costs of solicitors for claimants, gave rise to considerable dissatisfaction, and I am glad to be able to report that the arbitrator, when approached, adopted suggestions made to him by the Council that he should appoint a solicitor to act as his assessor in relation to the costs of claimants, and that he should, with his assessor, consider these costs in the presence of the respective solicitors for the parties. Another matter of importance which came before us during the half-year was an application by the English Law Society, forwarded through the English Lord Chancellor, to the rule-making authority over here to have the Irish Supreme Court rule dealing with

Service out of the Jurisdiction

altered by striking out Sub-section (f), Rule (1) of Order XI., so as to abrogate the power

of the Courts here to make an order for service out of the jurisdiction on the ground that the contract sought to be enforced was made within the jurisdiction. Any such alteration would have, in our opinion, very injuriously affected the interests of not only solicitors, but of litigants in this country, and the same view has been taken by our rule-making authority, of which body the President of this Society is a member. I shall have to ask you to wait for a fuller report of this important subject until the circulation of our annual report, as also of work done in connection with the Land Commission delay list, Land Registry delay, and other matters of interest to the profession, as time will not permit me to refer to these at this meeting. But there is one other matter of great importance which I would like to bring before you—I mean the claim of solicitors to our due share of

Legal Appointments,

a subject which has often been discussed in this hall before, and which was brought prominently before the Council during the past year in more than one instance. Early in the year it seemed probable that a vacancy would occur in the office of Chief Clerk to the Chancery Judge. The Council wrote to the Lord Chancellor and the Chancery Judge, urging the claims of solicitors to the appointment, and drew attention to the provisions of the 12th Section of the Chancery Act of 1867, which prescribes that the office of Chief Clerk can only be held by a practising solicitor of ten years standing, or a person who has held some office in the Court of Chancery for seven years. The Lord Chancellor replied that the appointment rested not with him, but with the Chancery Judge, and the Judge replied stating that in the event of any vacancy occurring he would not fail to bear in mind the contents of our letter. A vacancy actually did occur on the 24th of January, and thereupon our Secretary wrote to the Judge, asking him to hear the views of the Council before making an appointment. In reply the Judge wrote stating that he would always be pleased to see the President, but that he had found it necessary to fill the vacancies which had occurred in the offices of Chief Clerk and Assistant Chief Clerk, and in neither case was a solicitor appointed. The Council could do

no more than protest, and I think it is proper that we should repeat our protest here. Solicitors are pre-eminently qualified for the office of Chief Clerk, and Parliament has expressly recognised this fact in naming in the first instance that those eligible for the position should be solicitors of ten years standing. Formerly all the chief clerkships were held by solicitors; now, out of the whole number of chief clerks and assistant chief clerks there is only one solicitor. Let me mention another example of legal promotion of recent date.

A Resident Magistrate

was appointed on the 21st of March last for one of the western counties, and, in reply to a question put by Mr. O'Shee, M.P., the Chief Secretary stated the other day in the House that his qualifications for the post were that he had acted as civil and military officer in Uganda, and had been Chief of the Police at St. Vincent and Granada.

We lodged a protest with the Lord Lieutenant against this appointment as soon as we heard of it, and can anyone say that our protest was not called for? There are 65 Resident Magistrates in Ireland, and out of the whole number there are only six qualified solicitors; 16 are barristers; and the remaining 43 are either retired Constabulary officers or persons previously engaged in all manner of pursuits other than those which have anything to do with the study or the administration of law. Let me read you some of the qualifications as given in the official White Paper:—“Ship and Quay Owner,” “Engaged in Agricultural Pursuits,” “Served in the Militia eight years,” “B.A. Oxon,” “Tea Planting in India, Inspector under the Local Government Board for one year,” and so on. Why should a gentleman with police experience acquired in Uganda, or with knowledge of tea planting in India, be chosen to administer justice in this country over the heads of fully qualified professional men, who have spent their lives in this country and in assisting to administer the laws of the country? And just as it is with Resident Magistrates, so it is with many other appointments of a legal nature. For example, take the examinerships in the Land Commission, for which solicitors are eligible and fully qualified. There are nineteen examinerships

in all, and of these eighteen are held by barristers receiving salaries amounting to £15,000 a year, and only one is held by a solicitor receiving a salary of £800 a year. The thing is little short of a scandal, and I feel sure that I voice the feeling of the whole profession when I say there exists amongst us grave dissatisfaction at the manner in which legal patronage in Ireland is now exercised. We have no voice whatever, collectively or individually in the bestowal of any legal appointment, and the consequence appears to be that our just claim to a fair share of such appointments is ignored to an increasing extent year by year. With the assistance of my friend, Mr. Quirke, I have taken from the Parliamentary estimates and elsewhere, some figures in connection with this subject, and certainly they are most instructive. The salaries paid in respect of legal offices, to which members of the Bar alone are eligible, amount at the present time to £140,000 per annum, and the salaries paid in respect of legal offices, to which solicitors alone are eligible, amount to a little over £50,000, something more than one-third of the former figure. In addition there are a large number of other salaried offices all of a legal nature, including positions in the offices of the High Court, the Chief Clerkships, the Registrarships, and so forth, many of which are held by laymen, and I make out roughly, in respect of these additional offices, over £55,000 a year is paid to the members of the Bar, and about £2,500 a year is paid to solicitors. In round figures, members of the Bar are in receipt of salaries amounting to at least £200,000 a year, and members of our profession, salaries amounting to about £53,000 a year. Contrast these figures with the fact that last year there were only 438 barristers subscribing to the Bar Library and paying no professional tax whatever, while 1,562 solicitors took out certificates and paid His Majesty's Exchequer in the shape of annual certificate duty a sum of £10,500 for the privilege of practising their profession. What the remedy for this state of affairs may be it is difficult to state, but this I know, that it is humiliating to a degree to go on year after year protesting and supplicating without any apparent effect. Our first step appears to be to get the profession to take a livelier interest in this grave matter, and with this object in

view the Council have in course of preparation a report on the whole subject, giving facts and figures, and this report we propose to print and circulate amongst the members of the Society. There are not wanting signs that the whole High Court system in Ireland before long will be in the melting pot, and when such time approaches we solicitors, into whose hands the legal work of the country is passing more and more, must be ready to assert and maintain our claim to a larger share of the legal appointments in this country. (Applause).

The Secretary submitted letters from twelve country members who were unable to be present, and who expressed approval of the motion of which Mr. Rooney had given notice.

MR. ROONEY moved the resolution, of which he had given notice, viz.:—"To amend Bye-law 3 by omitting from the words 'for members taking out a country certificate' down to '£1,' and to make the consequential alterations in Bye-law 32 by omitting the words from 'save' down to 'members,' and in Bye-law 33 by omitting the words 'one pound.'

Before introducing his subject Mr. Rooney offered the congratulations of the Society to Mr. Synnott on his election as President, and said how much they all appreciated his generosity in the particularly happy social function with which he had inaugurated his year of office, in the Golfing Tournament, to be held on the 21st inst. Before proceeding with his motion he would like to dispel some erroneous views that had been circulated in reference to it. It had been suggested by certain members, that this was the continuation of some deep-laid plan which was supposed to have been hatched in November last, to attack the Council and turn out the older members. He certainly had nothing to do with any such plan, if it ever existed, and he would like to state emphatically that he did not intend to make any attack, good, bad or indifferent, upon the Council or any of its members. His object was that the Council should be put in a position to represent the entire profession in Ireland. Until the Society did this, the reforms referred to by the President could not possibly be carried out. The meaning of the motion was that a solicitor taking out a country certificate

should pay as a member of this Society ten shillings a year, and that for that he should be entitled to all the privileges of membership of the Society. At present there were 1,562 registered solicitors in Ireland, and only about half that number were members of this Society. Instead of being a society representative of the entire profession, the Society was a mere Leinster provincial council, and was entitled only to the influence of a provincial council. The country was on the eve of far-reaching developments, and on that account he asked the Society to take a broad view of the matter, and to remember that the general welfare of the Society was superior to any individual advantage. There was nothing in his proposal of which they need be afraid, for Dublin would always be the centre of the legal business of Ireland.

MR. JOHN MOLONEY (Midleton) seconded the motion. He held that it was of the utmost importance to the interests of the whole profession that every solicitor in the country should be a member of the Society. If all solicitors had been members of the Society, the Society would not have made so many futile protests as they had made in the past. In the country they had to put up with unqualified persons acting in court; the part which solicitors only were qualified to play and ought to have possession of. He protested against the Solicitors' profession having to pay an annual fee to the Government, while all other professions went free.

MR. JAMES BRADY said that in his judgment Mr. Rooney was not going the right way about reforming the membership of the Society. The solicitor who cavilled at the payment of fourpence a week—£1 a year—as a contribution to the Society was not worthy of membership. Mr. Rooney, in reducing the subscription to twopence a week, seemed to be starting a sort of gun-running expedition, but it would never be a success at twopence a week. The country members had the absolute right to elect ten of the forty-one members of the Council, and they had twelve at present, and he thought that was enough for them. While country solicitors paid only £6 a year to the Government, the city solicitors paid £9, and yet the country solicitors benefited enormously by the legislation of recent years. For himself

he would be in favour of increasing the subscription to £2 a year. What he should like to see was that, before a candidate received his certificate, he should be obliged to become a member of the Society. He thought that if Mr. Rooney's motion was carried it would be a breach of the contract they made with their country friends in 1888.

MR. R. A. MACNAMARA said he voiced the opinion of the majority of the Council, a view that was taken without any hostility to their country friends, with whom they had all worked in the greatest harmony. The motion was not moved by a country solicitor. The reason, he presumed, was that country solicitors would not go back on what was arranged in 1888. Up to that year all members paid £1, then it was decided to make the subscription for country members 10s., and to give to those who paid 10s. the right to vote for a Provincial Delegate, and the additional right of voting for ordinary members of Council, to those who paid one pound. In 1888 the entire matter was gone into, and there was then provided a permanent country representation on the Council of ten members. There were now in addition two country members elected amongst the ordinary members, by which they really possessed a very large and effective representation. The whole Council was forty-one, so the country representatives were now considerably more than a fourth. They were now asked to allow the country members to vote for ordinary members of Council for 10s. subscription, the country members were even to get more votes, and the Dublin man was not to have a vote for the country delegates. The country member could vote for the whole lot by paying £1. For the 10s. a year they got all cases of dispute settled by the Council; costs questions settled, appeals taken in proper cases and expenses indemnified, persons unlawfully practising proceeded against, they had the prestige of the Society, the use of that Hall and Library, and so on. Referring to the difficulty of country members attending meetings of the Council, he mentioned that there had been last year 24 meetings of the Council and 54 meetings of Committees, and the cost of coming up to these meetings would be prohibitive to country representatives.

MR. W. T. SHERIDAN thought the claim

made by the country members was a most reasonable and a most logical claim. With reference to the bargain made in 1888, it was recognised by the Society that country members were entitled to different treatment, in the matter of subscription, to town members. The offensive remarks about twopence a week and fourpence a week were out of place, and not likely to smooth matters. It was not a question of subscription, it was a matter of principle. It was said to the country member: "You are a full member, but we won't allow you to have the vote—you must buy the vote." It was an irritating point with the country solicitor. There were seven hundred or eight hundred solicitors in the country standing aloof, and this was probably the cause.

MR. CUSSEN said it was admitted that they were anxious to secure the membership of solicitors in the country. Many say: "the reason we did not join so far is that we don't consider we get sufficient advantages for 10s. We believe to join is a duty; but if we join we have absolutely no voice in the management of the Society." The election of country delegates gave them no power in the management of the Society, which was absolutely vital. Those who transacted the business were only those who resided in Dublin. The very most attending would be two or three, and they did say that they should have a voice in controlling affairs. By the charter they could only speak through the Council, and all the property was vested in that Council.

MR. ROONEY, in winding up the debate, said it was obvious he was going to be beaten. He could tell the meeting, however, that he had taken the trouble to secure the opinion of Counsel (Mr. Sergeant Sullivan), and Counsel's opinion was that the bye-law in question is *ultra vires*, and that everyone that paid 10s. a year could vote whether the Council liked it or not.

THE PRESIDENT.—We have Sir Francis Palmer's opinion to the contrary, obtained in 1908.

Mr. Rooney then read the opinion of Counsel.

The motion of Mr. Rooney was put to the meeting and declared lost.

Upon the motion of Mr. Fry a cordial vote of thanks was passed to the President, and the proceedings terminated.

Meetings of the Council.

May 6th.

Retirement of Master Tandy and Master Goff.

LETTERS were read from both of the Taxing Masters who have retired, expressing their thanks for the resolutions of good wishes of the Council in their retirement.

Resident Magistrates.

A letter was read from Mr. O'Shee, M.P., in reply, in reference to the answer of the Chief Secretary to his question upon the subject of the recent appointment of a Military officer as Resident Magistrate, and also stating that he was about to introduce his Bill dealing with appointment of Resident Magistrates.

Criminal Justice Administration Bill.

A letter was read from Mr. O'Shee, M.P., requesting the Parliamentary Committee of the Council to consider this Bill, and to favour him with any amendments they might think desirable to be made. The Bill was referred to the Parliamentary Committee.

Costs Committee.

A report from the Costs Committee upon the following query, submitted for decision to the Council, was adopted:—

Query.—What is the scale fee payable to lessor's Solicitor for preparing lease and counterpart of premises for 61 years; rent, £4 10s. 0d.; poor law valuation, £5; and are certain items for preliminary attendances, perusals, etc., payable to lessor's Solicitor by lessee, in addition to the scale fee?

Answer.—The Committee are of opinion that the costs of the lease should be drawn as of a long lease not at a rack rent; accordingly the scale fee payable by the lessee to lessor's Solicitor is £5; and the Committee are also of opinion that the lessor's Solicitor is not entitled to any of the preliminary items.

Council Meetings.

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

June 3rd and 17th.
July 1st, 15th and 29th.

Committee Meetings.

THE following Committee Meetings were held during May :—

County Courts, 1st.
Gazette, 4th.
Parliamentary, 8th.
Costs, 12th.

Legal Appointments.

MR. HENRY M. P. HARE, Solicitor, of 46 Kildare Street, Dublin, has been appointed an Assistant Solicitor to the Irish Land Commission.

MR. HUGH HORAN, Solicitor, of 12 Dame Street, Dublin, has been appointed Solicitor to the National Health Insurance Commission (Ireland).

Commissioners to Administer Oaths.

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

Patrick Flood, Law Clerk, Aughnacloy.
John O'Donnell, Clerk of Petty Sessions, Kiltimagh.
John Young, Clerk of Petty Sessions, Aughnacloy.

New Members.

THE following joined the Society during May, 1914 :—

Devine, Francis, 12 Dame Street.
Duggan, Edmund J., 27 Molesworth Street.
Young, Ivan H., Belfast.

Obituary.

MR. JOHN COWAN, Solicitor, Newry, died upon the 27th May, 1914, at Warrenpoint, Co. Down. Mr. Cowan, who served his apprenticeship with Mr. John F. Small, was admitted in Trinity Sittings, 1897, and practised at Newry.

MR. JAMES MACGRATH, Solicitor, died upon the 22nd May, 1914, at 27 Phibsborough Road, Dublin. Mr. MacGrath, who served his apprenticeship with the late Mr. Jeremiah Hodnett, of Youghal, was admitted in Hilary Sittings, 1881, and practised formerly at Youghal.

Trinity Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing by Professor Mayne on the following dates in Trinity Sittings, 1914 :—

June 5, 9, 12, 16, 19, 23, 26, 30.

Lectures will be delivered to the Junior Class upon Common Law, by Professor Sharpe on the following dates in Trinity Sittings, 1914 :—

June 4, 8, 11, 15, 18, 22, 25, 29.

Intermediate Examination.

THE July Intermediate Examination will be held on Thursday, 2nd July. Notices from apprentices intending to present themselves for the examination should be lodged on or before Thursday, 18th June.

Solicitors' Golf Competition.

THE Competition for Cup and Prizes (presented by Mr. Henry J. Synnott, President of the Incorporated Law Society) took place on Thursday, the 21st May, 1914, on the Portmarnock Links, kindly lent for the occasion by the Committee of the Portmarnock Golf Club.

The weather was delightfully fine, and 108 players took out cards for the Stroke Competition.

Owing to the large number of entries the first draw was made at 9.30 a.m., and over 40 competitors entered for this draw. By one o'clock all competitors for the Cup had started.

The winner of the Cup was Mr. Arthur G. Joyce, his gross score being 87, less handicap 8—79 net.

Mr. Joyce's score of 87 was also the best gross score of the day, but according to the rules of the competition no competitor could take more than one prize, consequently Mr. Joyce was debarred from taking the prize for the best gross score, which went to Mr. J. W. Flynn, whose gross score was 89.

The links were in perfect order, and it was anticipated that some at least of the scores returned would have been much lower. Doubtless the reason why some of the competitors did not do better was that they were over eager to win the President's Cup. One competitor in particular, although he finished with a net score of 87, took no less than 11 strokes for the first hole. On the day of the competition this hole was by no means a difficult 4. In the afternoon there was a Foursome Competition. The prizes for this competition were also presented by the President. These foursomes were (on handicap) against bogey, the partners being drawn for by the Committee.

The winning pair were Mr. Frank Fottrell and Mr. R. G. Warren. The former being a scratch golfer, and the latter one of the finest half-backs that Ireland ever produced, and who more than once captained the Irish International Rugby Football Team.

The success of the meeting was largely due to the assistance and untiring energy of Mr. Godfrey Power, Secretary of the Portmarnock Golf Club, who worked indefatigably from 9 o'clock in the morning until the last competitor had holed out his final putt on the last green.

Details:—

STROKE COMPETITION.

	Gross	H'cap.	Net
A. G. Joyce (winner of Cup)	87	8	79
A. E. Prentice (2nd Prize)	101	20	81
R. A. Andrews	96	12	84
R. French	98	14	84
James H. Murphy	108	24	84
W. Ireland Good	103	18	85
A. H. Stirling	97	12	85
W. V. Seddall	110	25	85
J. W. Flynn (winner Gross Prize)	89	3	86
J. J. Sheil	112	25	87
James Gordon Franks	93	6	87
W. T. Sheridan	94	7	87
E. P. O'Flanagan	99	12	87
G. Grovè White	102	14	88
J. B. Moore	98	10	88
T. M. Gerrard	99	11	88
A. Lloyd-Blood	99	11	88
E. McNeill	104	15	89
W. Jasper Brett	115	25	90
Plunkett Kenney	100	10	90

FOURSOMES AGAINST BOGEY.

Frank Fottrell and R. G. Warren 3 down
 J. G. Franks and R. N. Matheson }
 J. Barry Brown and Geo. T. C. Roe } 6 down
 J. A. Denning and O. H. Armstrong }
 52 couples competed.

Dates of Summer Assizes, 1914.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, Saturday, July 4th, at 12-15 p.m.
 Co. Wexford.—At Wexford, Tuesday, July 7th, at 11 a.m.
 Co. Waterford.—At Waterford, Thursday, July 9th, at 12 noon.
 Co. of the City of Waterford.—At Waterford, Thursday, July 9th, at 11 a.m.
 Co. Tipperary (South Riding).—At Clonmel, Saturday, July 11th, at 11 a.m.
 Co. Tipperary (North Riding).—At Nenagh, Wednesday, July 15th, at 11 a.m.
 Queen's Co.—At Maryborough, Friday, July 17th, at 11 a.m.
 City and Co. of Kilkenny.—At Kilkenny, Monday, July 20th, at 11 a.m.
 Co. Carlow.—At Carlow, Tuesday, July 21st, at 11.30 a.m.
 Co. Kildare.—At Naas, Wednesday, July 22nd, at 11 a.m.

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

Registrars.—J. Briscoe Cherry, Esq., St. Helen's, Bray, Co. Wicklow, and F. C. Martley, Esq., 38 Fitzwilliam Place.

The civil business will not be taken up in the County of the City of Waterford until 12 o'clock noon on Thursday, July 9th.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, July 3rd, at 11.15 a.m.
 Co. Longford.—At Longford, Saturday, July 4th, at 11 a.m.
 Co. Cavan.—At Cavan, Tuesday, July 7th, at 1 p.m.
 Co. Fermanagh.—At Enniskillen, July 10th, at 1 p.m.
 Co. Tyrone.—At Omagh, July 13th, at 11 a.m.

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

Co. Londonderry.—At Derry, July 20th, at 11.30 a.m.

Co. of the City of Londonderry.—At Derry, July 21st, at 10.30 a.m.

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

REGISTRARS.—Valentine Holmes, Esq., 3 Fitzwilliam Place, Dublin; Cecil A. Boyd, Esq., 66 Merrion Square, Dublin.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Friday, July 3rd, 11 a.m.

Co. Limerick.—At Limerick, Tuesday, July 7th, 11 a.m.

Co. of the City of Limerick.—At Limerick, Tuesday, July 7th, 11 a.m.

Co. Kerry.—At Tralee, Friday, July 10th, 3 p.m.

Co. Cork.—At Cork, Thursday, July 16th, 11 a.m.

Co. of the City of Cork.—At Cork, Saturday, July 18th, 10.30 a.m.

Judges.—The Right Hon. Mr. Justice Kenny and The Right Hon. Mr. Justice Molony.

Registrars.—E. H. Kenny, Esq., Marlfield, Cabinteely, Co. Dublin; and W. T. Sheridan, Esq., 1 Elgin Road, Dublin.

CONNAUGHT CIRCUIT.

King's Co.—At Tullamore, Friday, July 3rd, at 11.30 a.m.

Co. Leitrim.—At Carrick-on-Shannon, Monday, July 6th, at 3 p.m.

Co. Sligo.—At Sligo, Thursday, July 9th, at 12 o'clock.

Co. Roscommon.—At Roscommon, Monday, July 13th, at 2.30 p.m.

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

Co. Galway.—At Galway, Monday, July 20th, at 3.30 p.m.

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

Registrars.—Francis Kennedy, Esq., Marino Park, Blackrock; W. H. Atkinson, Esq., Nutley, Booteerstown, Dublin.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, on Friday, July 3rd, at 11.30.

Co. Louth.—At Dundalk, on Monday, 6th at 11.30.

Co. Monaghan.—At Monaghan, on Wednesday, 8th, at 11.

Co. Armagh.—At Armagh, on Friday, 10th, at 11.

Co. Down.—At Downpatrick, on Tuesday, 14th, at 12.

Co. Antrim.—At Belfast, on Friday, 17th, at 12.

Co. of City of Belfast.—At Belfast, on Monday, 20th, at 11.

Judge.—The Right Hon. Mr. Justice Dodd

Registrar.—Huston Dodd, Esq., 94 Marlborough Road, Donnybrook, Dublin.

Recent Decisions affecting Solicitors.

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

HIGH COURT OF JUSTICE (ENGLAND).

CHANCERY DIVISION.

(Before Astbury, J.)

Ex parte SCHOOL BOARD FOR LONDON.

May 1, 1914.—*Costs—Compulsory taking of land—Payment of purchase money into Court—Application for payment out—Letters of administration—Lands Clauses Consolidation Act, 1845.*

In this case certain land was settled by the Will of a testator, who died in 1852, on E. for life, with remainder to her children as tenants in common in fee. During the life of E. a part of the land was taken by the London School Board in exercise of their compulsory powers under the Lands Clauses Act; the purchase money was paid into Court and invested in £847 Consols. E. died in 1911, having had six children. On a summons taken out by two daughters who survived her, an order was made that the fund in Court should be divided into sixths, and one-sixth paid to each of the applicants; one-sixth to the legal personal representatives of each of two sons, who had died in E.'s lifetime, and

to whose estates administration had been taken out before her death; one-sixth to the legal personal representatives, when constituted, of Henry, a son who had disappeared in 1883; and the remaining one-sixth to the legal personal representatives of another son, Walter, who had died in E.'s lifetime, but to whose estate administration had not been taken out till after her death; and the London County Council were ordered to pay costs according to the Act. On taxation the applicants claimed, and the Taxing Master disallowed (1) costs of taking Counsel's opinion as to who were entitled to the fund on E.'s death; (2) costs of taking out administration to Henry and Walter; (3) costs of an application to the Probate Division for leave to assume Henry's death. The applicants took out this summons to review the taxation by allowing these items.

Astbury, J., said that as to (2) the costs of taking out administration the case was covered by the decision in *In re Lloyd and the North London Railway (City Branch) Act, 1861 (1896)*, 2 Ch, 397; and (3) the application to the Probate Division was necessary for and antecedent to obtaining administration, and must be allowed as part of the costs thereof. As to (1) he saw no reason for differing from the Taxing Master's decision.

(Reported (1914) *Weekly Notes*, 221.)

HIGH COURT OF JUSTICE (ENGLAND).

CHANCERY DIVISION.

(Before Astbury, J.)

In re PARRATT; PARRATT v. PARRATT.

May 8, 1914.—*Costs—Copies of documents for the Judge—Practice.*

This was a case which turned upon the construction of a Will. No copy of the Will had been provided for the Judge, and it was stated that there was a general impression that the cost of such copies should not be allowed on taxation.

Astbury, J., said that the Court ought not to be expected to use original documents, and the costs of copies of all relevant parts of wills and other documents for the use of the Court ought to be allowed on taxation.

(Reported (1914) *Weekly Notes*, 222.)

HIGH COURT OF JUSTICE (ENGLAND).

KING'S BENCH DIVISION.

(Before Scrutton, J.)

MATTHEWS v. COMMISSIONERS OF INLAND REVENUE.

May 9, 1914.—*Revenue—Land Values—Provisional valuation—Appeal from referee—Order to pay costs—Rule of Court—Finance (1909-10) Act, 1910.*

Motion on behalf of the appellant for an order that the award of a referee under the Finance (1909-10) Act, 1910, should be made a rule of Court. The referee by his award on an appeal against the provisional valuation assessed the gross total value and site value at £23,690, and directed the appellants' costs of the appeal to be borne by the Commissioners. He did not assess the amount of the costs, and the object of the present motion was to enable the costs to be ascertained by taxation. The motion was not opposed.

Scrutton, J., granted the application. Under Section 33 (3) of the Finance (1909-10) Act, 1910, a referee might, if he thought fit, order that any expenses incurred by one party should be paid by the other party, and any such order as to expenses might be made a rule of Court. In *Simpson v. Commissioners of Inland Revenue*, he decided that if the referee awarded "expenses" to one party he must fix the amount himself, there being no means by which a Taxing Master could tax "expenses." Here the referee awarded costs, and a person authorised to give costs might delegate the ministerial act of taxation. If the award were made a rule of Court the costs could be taxed, and he was of the opinion that a referee might make a valid order as to costs without fixing the amount. The Judge added that he would consider whether it was possible to bring the matter before the Rule Committee with a view to simplification of the procedure so as to make the attendance of Counsel unnecessary on an unopposed motion.

(Reported (1914) *Weekly Notes*, 227. For *Simpson v. Commissioners of Inland Revenue* referred to in above judgment, see GAZETTE of May, 1914, page 7.)

HIGH COURT OF JUSTICE (ENGLAND).

KING'S BENCH DIVISION.

CHARLTON v. MYSON AND ANOTHER.

(Before Darling, J., and a Special Jury.)

Action against separate defendants—Verdict for plaintiff against one defendant, and for other defendant against plaintiff—Costs.

Mrs. Mary Charlton sued the defendants, C. J. Myson, a taxicab proprietor, and J. Pratt, a coal merchant, to recover damages for personal injuries received by her owing to the negligence of the servants of the two defendants.

The defendants denied negligence.

The plaintiff's case was that on the evening of February 6, 1913, she was driving along the Knightsbridge Road in a taxicab belonging to the first defendant when the taxi cab came into collision with a coal van belonging to the second defendant and an island or refuge in the road, with the result that the plaintiff was thrown out of the back seat of the taxicab against the glass screen and injured. Evidence was given on behalf of the plaintiff to prove that the servants of both defendants were guilty of negligence in driving their vehicles.

The case of each defendant was that the accident was due to the negligence of the servant of the other.

The jury returned a verdict for the plaintiff against the defendant Myson, with £351 damages, and exonerated the defendant, Pratt.

His Lordship entered judgment for the plaintiff against the defendant Myson, and for the second defendant against the plaintiff, directing that the costs which the plaintiff would be liable to pay to the second defendant should be added to those which the defendant Myson was liable to pay to the plaintiff, and be paid by him.

(From *The Times*, 29th April, 1914.)

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

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

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams- "Law Society, Dublin."

Society's Telephone 2607 (2 lines).
Secretary's Telephone 4266.

July, 1914.

CONTENTS.

	PAGE
Meetings of the Council	31
The Society's Premises	32
Council Meetings	32
Committee Meetings... ..	32
New Members	32
Legal Appointments	32
Commissioners to Administer Oaths	32
Results of Examinations—	
Preliminary Examination	32
Preliminary Examination Prizes, 1913-14	33
Final Examination	33
Final Examination Prizes	33
Recent Decisions affecting Solicitors—	
<i>A. G. Spalding v. A. W. Gamage, Ltd.</i>	33
Actions concerning Charities	34

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 3.]

July, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 3rd.

Local Bankruptcy Court Rules.

A LETTER was read from the Clerk of the Privy Council with reference to the request of the Council of this Society that the rule fixing the scale of costs for Local Bankruptcy Courts in small cases should be assimilated to the corresponding Supreme Court rule. The letter stated by direction of the Lords Justices, that the question had again been carefully considered, but that the representations now made did not disclose any grounds which were not before the Irish Government when they came to a decision in the matter in August last, and their Excellencies, therefore, regretted that they were unable to accede to the application of the Society.

It was ordered that copies of the correspondence be sent to the Northern Law Society and the Southern Law Association.

Colonial Solicitors Act.

A letter was read from the Colonial Office enclosing for approval a draft Order in Council applying the Colonial Solicitors Act 1900, to Trinidad and Tobago. As by the law of the Colony of Trinidad and Tobago Solicitors of the Supreme Court in Ireland are admitted to practise in that Colony without passing an examination, the Council expressed approval of the draft Order.

June 17th.

Court of Examiners.

A report was submitted from the Court of Examiners giving the results of the Preliminary and Final Examinations held last month. The recommendations of the Court of Examiners as to awards of medals and certificates were confirmed. The results appear in this Gazette.

Findlater Scholarship.

It was ordered that a special examination be held next October for the Findlater Scholarship; the candidates who obtained either gold or silver medals at the Final Examinations held in October, 1913, and January and May, 1914, being qualified to compete.

Professor of Common Law.

The Council elected Mr. F. S. D. de Vere White (Sen. Mod.), B.A., LL.D., T.C.D., Solicitor, to be Professor of Common Law to the Society.

Debating Society.

It was resolved that "The Progress of Nationality" should be the subject for the Essay Competition for the Law Society's Gold Medal for this session.

Certificates.

Applications by two Solicitors for renewal of their Certificates were considered, and orders were made.

The Society's Premises.

THE Council have arranged to have the large hall, the smoke room, the lavatory, and the passages and staircases re-painted. The Hall will be closed from the 20th July for a period of two months.

Council Meetings.

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

July 15th and 29th.
October 7th and 21st.

Committee Meetings.

THE following Committee Meetings were held during June :—

Costs, 8th, 16th and 25th.
Gazette, 11th.
Privileges, 26th.
County Courts, 29th.

New Members.

THE following joined the Society during June, 1914 :—

Baker, Cyril L., Fethard.
Binchy, Owen, Charleville.
Mallins, Edward J., 7 Anglesea Street, Dublin.
Mitchell, James D., Parsonstown.

Legal Appointments.

HIS Majesty the King has conferred the honour of Knighthood upon Mr. John Robert O'Connell, B.A., LL.D., T.C.D., Solicitor, of 34 Kildare Street, Dublin.

The Lord Chancellor has appointed Mr. Jeremiah G. Perry, Solicitor, of 61 Blessington Street, Dublin, to be Assistant Registrar in Lunacy.

The Council have elected Mr. Frederick S. D. de Vere White (Sen. Mod.), B.A., LL.D., T.C.D., to be Professor of Common Law to the Society, in room of Mr. Frederick G. Sharpe, B.A., LL.D., T.C.D., Solicitor, whose term of office will expire at the end of Trinity Sittings.

Commissioners to Administer Oaths.

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

John Blood-Smyth, Solicitor, 29 Lower Gardiner Street, Dublin.
Michael J. Bowers, Solicitor, 24 Dame Street, Dublin.
Bertie R. W. Doran, Solicitor, 5 St. Andrew Street, Dublin.
Christopher Friery, Solicitor, 52 Rutland Square, W., Dublin.
Quintin W. Kennedy, Solicitor, 37 Lower Baggot Street, Dublin.
John H. Magee, Solicitor, Donegal.
P. J. Masterson, Solicitor, 53 Dame Street, Dublin.
Robert N. Matheson, Solicitor, 16 Lower Sackville Street, Dublin.
John J. McKeon, Assistant in the office of Clerk of Crown and Peace, Roscommon.
Charles O'Brien, Solicitor, 54 Dawson Street, Dublin.
Thomas C. Perrott, Solicitor, 2 Hume Street, Dublin.
George M. Porter, Solicitor, 39 Fleet Street, Dublin.
Raymond Stephenson, Solicitor, 30 Molesworth Street, Dublin.
Harry A. P. Taylor, Solicitor, 21 Wellington Quay, Dublin.

Results of Examinations.

Preliminary Examination.

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

1. Robert C. Bathurst.
2. Timothy Byron.
3. George F. Mackay.
4. William H. Fyffe.
5. Patrick T. Mulligan.

James Fagan passed the modified Preliminary Examination, for which he had liberty to present himself. The remaining candidates were postponed.

Eleven candidates attended : six passed ; five were postponed.

Preliminary Examination Prizes, 1913-14.

The Council awarded a Gold Medal to James J. Davidson, and a Silver Medal to Robert C. Bathurst.

Final Examination.

At the Final Examination, held upon the 25th, 26th and 27th days of May, the following passed the examination, and their names are arranged in order of merit :—

1. William R. Richards.
2. Aloysius M. Dunlea.
3. Valentine W. Miley, B.A., Oxon.
4. Patrick E. Rogers.
5. James A. Henderson } Equal.
- Michael P. Moran }
7. James Toner.
8. John MacDonald.
9. George E. MacCarthy.
10. Cedric C. Mecredy, B.A., T.C.D.
11. Frederick H. Hall, B.A., T.C.D.
12. Robert E. H. Stack.
13. Christopher C. Shaw.
14. William A. F. Barry.
15. John D. O'Connell.
16. Philip F. M. Lavery, B.A., N.U.I.
17. Daniel J. Galvin.
18. John C. J. Murphy.
19. John T. McConnell.
20. Esmonde A. Power.
21. John L. Burke.
22. James Murray.
23. William Cairns, jun.
24. William O'K. White.
25. John S. Mitchell.
26. W. J. Magnier, jun., B.A., T.C.D.
27. Robert I. Archer.
28. Ivan A. Howe, B.A., T.C.D.
29. Hugh C. F. O'Doherty.

The remaining candidates were postponed.

Thirty-four candidates attended : twenty-nine passed ; five were postponed.

Final Examination Prizes.

The Council awarded a Gold Medal to William R. Richards, Silver Medals to Aloysius M. Dunlea and Valentine W. Miley, and Special Certificates to Patrick E. Rogers, James A. Henderson and Michael P. Moran.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Sargant, J.)

A. G. SPALDING v. A. W. GAMAGE, LTD.

June 24, 25.—*Practice—Costs—Taxation—Two defendants appearing by same Solicitor—Separate defences and leading Counsel—Discretion of Taxing Master—Rules of the Supreme Court (England), 1883, Order LXV., r. 27 (8), with which rule 65 (8) of Order LXV. of the Rules of the Supreme Court (Ireland), 1905, corresponds.*

SUMMONS taken out by defendants to review the Taxing Master's certificate.

The action was originally brought on the 30th of August, 1912, against A. W. Gamage and Co., alone, who were charged with selling goods which were in fact the plaintiff's goods, under a representation that they were a different class of goods from what they were in truth. On the 30th October, 1912, the defendants, Benetfink and Co., Ltd., a company in which A. W. Gamage and Co. held some three-fourths of the share capital and a controlling interest, were added as defendants, and an injunction and damages were claimed against both defendants. Both defendants appeared by the same Solicitor, but put in separate defences and employed separate leading Counsel at the trial. Sargant, J., decided in favour of the plaintiffs, and granted an injunction together with an inquiry as to damages. The defendants appealed, appearing on the appeal by the same Counsel, and the Court of Appeal reversed the decision of Sargant, J., and dismissed the action with costs in the Court below and in the Appeal Court. On the taxation of the costs in the Court below the Taxing Master disallowed the costs of the separate defence put in by the defendants, Benetfink and Co., and the employment by them of separate leading Counsel, for the reason that the two companies were practically identical.

Sargant, J., considered the facts leading up to the action, and came to the conclusion that there was such a reasonable probability of Benetfink and Co. differentiating their case at the trial from that of A. W. Gamage and Co. as to justify them in putting in a separate defence and employing a separate leading Counsel at the trial, although as the result of the evidence at the trial the case for differentiation mainly disappeared. If, therefore, it lay with him he should hold that Benetfink and Co. were well advised in putting in a separate defence and employing a separate leading Counsel; but it was contended on behalf of the plaintiffs that under Order LXV., r. 27, regulation 8, he was precluded from interfering with the discretion of the Taxing Master on the point, and a decision to that effect by Bacon, V.-C., in *Beattie v. Lord Elbury* (1873), 29 L.T. 419, (1873) W.N. 194, on the corresponding twelfth rule of the old Consolidated Order XL. was relied on; but in the later case of *Ager v. Blacklock & Co.* (1887), 56 L.T. 890, Kekewick, J., decided that the question was not purely a question for the discretion of the Taxing Master, and directed a review of the taxation, and His Lordship preferred to follow the later authority. *Boswell v. Coaks* (1887), 36 Ch. D. 444, was also referred to, but that was not a decision under the rule now in question but was a case in which the House of Lords had in fact delegated its own jurisdiction as to costs to the Taxing Master. His Lordship accordingly directed a review of the taxation on the lines he had indicated.

(Reported [1914] *Weekly Notes*, 293.)

MR. W. P. KELLY,
SOLICITOR.

Has changed his Registered Address

FROM

61 BLESSINGTON STREET

TO

14 FLEET STREET, DUBLIN.

Actions concerning Charities.

THE Master of the Rolls recently drew attention to the provisions contained in Section 4 of 30 and 31 Victoria, Cap. 54, which directs that no action can be commenced by any person concerning any relief, order, or direction relating to any charity, without giving notice in writing to the Commissioners of Charitable Donations and Bequests. His Lordship stated that in future he would deprive the plaintiff's Solicitor of costs in any case in which it was necessary to serve the notice and notice had not been served.

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

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

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Society's Telephone 2607 (2 lines).
Secretary's Telephone 4266.

August, 1914.

CONTENTS.

	PAGE
Meetings of the Council	37
Council Meetings	38
Committee Meetings... ..	38
New Members	38
Obituary	39
Commissioners to Administer Oaths	39
Examination Results	39
New Solicitors	39
Dates of October Examinations	40
Michaelmas Sittings Lectures	40
Recent Decisions affecting Solicitors— <i>Estate of Lord Inchiquin.</i>	40
Postponement of Payments	41
Additions to the Library	43
Solicitors' Benevolent Association	46
Notice as to "Gazette"	46

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 4.]

August, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 1st.

Special Examiners.

The Council re-appointed Mr. Charles H. Denroche, B.A., LL.D., R.U.I., Solicitor, and Mr. Frank V. Gordon, B.A., ex-Scholar, T.C.D., Solicitor, as Special Examiners for 1915.

Law Clerks.

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

Land Registry.

A letter was read from the Chief Clerk of the Land Registry, asking on behalf of the Registrar the opinion of the Council as to whether or not he should accept a deed presented for registration by a person neither a party to the deed, nor a Solicitor. A reply was directed stating that in the opinion of the Council a deed requiring registration in the Land Registry should be presented for registration either by a Solicitor for an interested party or by one of the parties to the deed.

Costs Committee.

A report from the Costs Committee upon the following query submitted to the Council was adopted :—

Query.—Are the Lessors' Solicitors entitled to draw their costs for preparing and completing the following lease under Schedule II. of the General Order under the Solicitors'

Remuneration Act, and if not, under what scale :—Lease of premises in City of Dublin ; term, 10 years ; rent, £60 ; poor law valuation of premises, £23 ; and containing covenants by Lessees to spend £100 in repairs ; covenant by Lessors that if Lessees desire to take a new lease at expiration of term, Lessors will grant same for 20 years at £70 ; also containing agreement by Lessors with Lessees in the event of Lessors being desirous to sell their interest in the premises that Lessees should be at liberty to purchase same for £1,000 subject to the special conditions of sale contained in the Lease.

Answer.—The Committee are of opinion that the Lessors' Solicitors are entitled to the scale fee as of a lease at a rack rent to be paid by Lessee, and that they are further entitled to charge the extra costs of and incidental to the right of pre-emption contained in the lease, such extra costs, in the absence of any contract to the contrary, to be paid by the Lessor.

July 15th.

Resident Magistracy.

A letter was read from the Assistant Under-Secretary for Ireland acknowledging the receipt of a letter from the Council in reference to the vacancy in the office of Resident Magistrate.

The letter from the Council was as follows :

The Incorporated Law Society of Ireland,
Solicitors' Buildings, Four Courts,
Dublin, 8th July, 1914.

Dear Sir,

The Council of this Society observe that a vacancy has occurred in the office of

Resident Magistrate, through the death of Mr. Robert L. Brown. The Council desire to respectfully submit to His Excellency the Lord Lieutenant that in appointing to this vacancy, the claim of the Solicitors' profession to have one of its members appointed is entitled to consideration in priority to any other claims which may be made. The latest appointment of a Solicitor to the office of Resident Magistrate was made upon 6th June, 1910; there have been nine appointments since made, four of whom were formerly Army Officers, three Royal Irish Constabulary Officers and two Barristers. There are at present sixty-four Resident Magistrates, of whom sixteen are Barristers, forty-two were either Constabulary Officers or persons engaged in other pursuits, and only six are Solicitors.

The Council hope that His Excellency will on this occasion accede to the request of the Council and appoint a member of the Solicitors' profession to the office.

I remain,

Your obedient Servant,

(Signed), W. G. WAKELY,

Secretary.

The Under-Secretary for Ireland,
Dublin Castle.

Examination Results.

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

Law Clerks.

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

House Committee.

Estimates, recommended by the House Committee, were accepted for the painting of the Society's hall, staircases, smoke room, and lavatory, also for the laying of new linoleum in the hall and on the stairs; the works to be carried out under the supervision of Mr. A. E. Murray, C.E.

July 29th.

Library.

A presentation of valuable volumes of Law Reports for the Society's Library having been very kindly made by Mr. W. Stubbs, B.L., the Council passed a resolution of thanks to Mr. Stubbs for his gift.

Court Sittings.

On the recommendation of the Court and Offices Committee it was resolved that a letter be written to the Lord Chancellor's Secretary drawing the attention of the Lord Chancellor and the Judges to the inconvenience arising on the first day of sittings, and on other days when there are meetings of the Judges or Benchers, owing to the uncertainty as to the time at which the several Courts will sit, and suggesting that on such days there should be an announcement in the *Legal Diary* stating an hour for each Court, before which, such Court will not sit.

Council Meetings.

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

October 7th and 21st.

November 4th and 18th.

Committee Meetings.

THE following Committee Meetings were held during July:—

House, Library and Finance, 10th.

Gazette, 13th.

Court of Examiners, 13th.

Land Act, 21st.

Costs, 24th.

Court and Offices, 27th.

New Members.

THE following joined the Society during July, 1914:—

Atkinson, James S., 31 Kildare Street,
Dublin.

Connolly, Henry G., Clifden.

Obituary.

MR. NATHANIEL C. LACY, Solicitor, died upon the 1st July, 1914, at his residence, John Street, Kells, Co. Meath.

Mr. Lacy served his apprenticeship with Mr. John G. Fottrell, 46 Fleet Street, Dublin, was admitted in Michaelmas Sittings, 1896, and practised at Kells up to the year 1909, when he retired.

MR. WILLIAM H. MEREDITH, Solicitor, died upon the 24th July, 1914, at his residence, 75 Lower Baggot Street, Dublin.

Mr. Meredith served his apprenticeship with his father, the late Mr. William R. Meredith, of Lower Gardiner Street, Dublin, and practised at 32 Molesworth Street, Dublin.

Commissioners to Administer Oaths.

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

- Peter Gallagher, Merchant, Kiltyclogher, Co. Leitrim.
- Laurence J. Ryan, Solicitor, Thurles.
- John B. Wallis, Clerk of Petty Sessions, Arthurstown, Co. Wexford.

Examination Results.

At the Intermediate Examination for Apprentices, held upon the 2nd July, the following passed the examination :—

CLASS I.

- 1. Timothy P. Coffey.
- 2. Patrick J. Collins.
- 3. William L. Skelton.
- 4. Thomas S. Colbert.
- 5. Goodlett Hamill.
- 6. Bartholomew J. Goff.
- 7. William Caulfield.
- 8. William J. McCarthy } equal
John K. S. Reddin }
- 10. Michael Moloney.
- 11. Ivan B. Elliott.
- 12. Austin Cullen.
- 13. Edward B. Maguire.
- 14. John Bell.
- 15. William H. Argue.

- 16. William S. Barrett.
- 17. Timothy C. Crinion } equal
William J. McCourt }
- 19. Francis J. MacCabe } equal
Aloysius J. Reddy }
- 21. Henry J. Kenny } equal
Gerard N. Reddin }

CLASS II.

- 1. Vincent C. Byrne.
- 2. Matthew A. Farrell } equal
Reginald A. Sainsbury }
- 4. Jasper T. Brett } equal
Aidan E. R. MacCabe }
- 6. John Ryan.
- 7. Joseph J. Little.
- 8. Arthur D. O'Morchoe.
- 9. Richard J. Kelly } equal
Stephen H. Lynch }
- 11. Samuel E. Williams.
- 12. Cyril F. McCay.
- 13. John W. Davidson } equal
Thomas O. J. Kavanagh }

The remaining candidates were postponed.

Forty candidates attended: thirty-six passed; four were postponed.

New Solicitors.

THE following were admitted during June and July :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Hall, Frederick Harrison	Frederick Hall, Cork.
Henderson, James Allison	William L. B. Cochrane, 18 Harcourt Street, Dublin.
MacCarthy, Geo. Edward	Nicholas F. Maher, Tipperary.
McComb, Thomas ...	Francis J. Bigger, Belfast.
McConnell, John Trevor	Samuel F. McConnell and David B. Simpson, Lisburn.
MacDonald, John ...	Henry Murphy, Clones.
Murray, James ...	J. Travers Wolfe, Skibbereen.
Richards, William Reeves	William C. Gage, Dublin
Rogers, Patrick E. ...	John C. Conroy and George Nicolls, Galway.
Shaw, Christopher C.	Harford Kelly, 4 Dame Street, Dublin.
White, William O'K. ...	Thomas O'K. White, Edenderry.

Dates of October Examinations.

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

October 8th and 9th.—Preliminary. (Notices of intending candidates to be lodged in Secretary's Office on or before 22nd September.)

October 12th.—Intermediate. (Notices of intending candidates to be lodged in Secretary's Office on or before 28th September.)

October 13th, 14th and 15th.—Final Examination, also Special Examination for Findlater Scholarship. (Notices of intending candidates to be lodged in Secretary's Office on or before 28th September.)

Michaelmas Sittings Lectures.

PROFESSOR MAYNE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Michaelmas Sittings, 1914 :—

October 27, 30.

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

December 1, 4.

Books.—Strahan's Law of Property; Snell's Principles of Equity; Davidson's Concise Precedents in Conveyancing.

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

October 26, 29.

November 2, 5, 9, 12, 16, 19, 23, 26, 30.

December 3.

Books.—Anson on Contracts; Ringwood on Torts.

The lectures to both classes will be delivered at 4 o'clock p.m., in the Lecture Theatre of the Society, Solicitors' Buildings, Four Courts. Apprentices desirous of attending either lecture class should give notice to the Secretary before the 19th October.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL.

(Before O'Brien, L.C.; Palles, C.B., and Holmes, L.J.)

In the Matter of the Estate of Lord Inchiquin.

April 20, 21, 23.—*Land Purchase Acts—Compulsory purchase—Costs of Sale—Jurisdiction of Judicial Commissioner to award costs—Land Law (Ireland) Act, 1881, s. 50—Irish Land Act, 1909, Part IV.—Land Commission Rules of 16th March, 1897, Order XLVI., Rule 1.*

THIS was an appeal by the owner, Lord Inchiquin, from the order of Mr. Justice Wylie, made on the ruling of the final schedule of incumbrances on 9th March, 1914, refusing the application of the owner that the costs of sale properly and necessarily incurred by him in the proceedings herein, when taxed and ascertained, up to and including all costs of and incidental to the distribution of the purchase money, be ordered to be paid by the Land Commission.

Lord Inchiquin was entitled, as tenant for life in possession, to certain estates situate in Co. Clare. On the 17th April, 1911, the Estates Commissioners wrote to him making a proposal for the purchase, under Sec. 6 of the Act of 1903, as amended by the Act of 1909, of portions thereof, consisting of certain tenanted and untenanted lands, at the sum of £6,658. The owner objected to this proposal on several grounds. On the 14th June, 1911, the Estates Commissioners sent two final offers under Sec. 43 of the Act of 1909 at the same price. These offers were not accepted, and were duly published in the *Dublin Gazette*. The owner served notice of objection to the offers. Before the applications came on for hearing, the Estates Commissioners withdrew their final offers, and made new proposals, foregoing their previous proposal for some of the lands mentioned therein, and proposing to take the remainder of these lands and some additional lands at the sum of £10,022. The owner objected on the ground of inadequacy of price. The

Estates Commissioners sent a final offer, which was refused, and was then duly published in the *Dublin Gazette*. The owner applied to Mr. Justice Wylie to fix the price, which the Judge fixed at £10,690, and allowed the owner costs of the application to be paid by the Land Commission. The final schedule of incumbrances was vouched. Appearing thereon were two head rents and a mortgage. The owner claimed that the costs of making title to these, as well as to the residue, and all costs of and incidental to the compulsory acquisition of the lands by the Estates Commissioners, should be paid by the Land Commission. Mr. Justice Wylie decided that there is no power or jurisdiction vested in him enabling him to award to the owner of lands compulsorily acquired any costs or expenses which he may have been put to through having to make title to the lands in the course of the proceedings to carry out the compulsory sale, or the costs or expenses of the redemption of superior interests.

The Court of Appeal held that the Judicial Commissioner has discretionary power under Order XLVI., Rule 1, of the Land Commission Rules of 16th March, 1897, enacted pursuant to Section 50 of the Land Law (Ireland) Act, 1881, to award costs of sale and of the redemption of superior interests as against the Land Commission to an owner of lands which have been compulsorily acquired by the Estates Commissioners under the provisions of Part IV. of the Irish Land Act, 1909.

(Reported [1914] *I.L.R.*, 248.)

Postponement of Payments.

THE following Proclamations have appeared in the *Dublin Gazette* :—

BY THE KING.

A PROCLAMATION.

FOR POSTPONING THE PAYMENT OF CERTAIN BILLS OF EXCHANGE.

GEORGE R.I.

WHEREAS in view of the critical situation in Europe and the financial difficulties caused thereby it is expedient that the payment of certain bills of exchange should be postponed as appears in this Proclamation :

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows :—

If on the presentation for payment of a bill of exchange, other than a cheque or bill on demand, which has been accepted before the beginning of the Fourth day of August, nineteen hundred and fourteen, the acceptor re-accepts the bill by a declaration on the face of the bill in the form set out hereunder, that bill shall, for all purposes, including the liability of any drawer or indorser or any other party thereto, be deemed to be due and be payable on a date one calendar month after the date of its original maturity instead of on the date of its original maturity, and to be a bill for the original amount thereof increased by the amount of interest thereon calculated from the date of re-acceptance to the new date of payment at the Bank of England rate current on the date of the re-acceptance of the Bill.

Form of Re-Acceptance.

Re-accepted under Proclamation for £
(insert increased sum).

Signature.....

Date.....

Given at Our Court at *Buckingham Palace*, this Second day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

BY THE KING.

A PROCLAMATION.

FOR EXTENDING THE POSTPONEMENT OF PAYMENTS ALLOWED TO BE MADE BY THE PROCLAMATION OF THE 2ND AUGUST, 1914, TO CERTAIN OTHER PAYMENTS.

GEORGE R.I.

WHEREAS under the Postponement of Payments Act, 1914, His Majesty has power by Proclamation to authorize the postponement of the payment of any bill of exchange or of any negotiable instrument or of any other payment in pursuance of any contract

to such extent for such time and subject to such conditions or other provisions as may be specified in the Proclamation :

And whereas it is expedient that provision should be made for the purpose of such postponement of payment in addition to the provision already made by Our Proclamation, dated the Second day of August, nineteen hundred and fourteen, relating to the postponement of payment of certain bills of exchange.

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows :—

Save as hereinafter provided, all payments which have become due and payable before the date of this Proclamation, or which will become due and payable on any day before the beginning of the Fourth day of September, nineteen hundred and fourteen, in respect of any bill of exchange (being a cheque or bill on demand) which was drawn before the beginning of the Fourth day of August, nineteen hundred and fourteen, or in respect of any negotiable instrument (not being a bill of exchange) dated before that time, or in respect of any contract made before that time, shall be deemed to be due and payable on a day one calendar month after the day on which the payment originally became due and payable, or on the Fourth day of September, nineteen hundred and fourteen, whichever is the later date, instead of on the day on which the payment originally became due ; but payments so postponed shall, if not otherwise carrying interest, and if specific demand is made for payment and payment is refused, carry interest until payment as from the Fourth day of August, nineteen hundred and fourteen, if they become due and payable before that day, and as from the date on which they become due and payable if they become due and payable on or after that day, at the Bank of England rate current on the Seventh day of August, nineteen hundred and fourteen ; but nothing in this Proclamation shall prevent payments being made before the expiration of the month for which they are so postponed.

This Proclamation shall not apply to :—

- (1) any payment in respect of wages or salary ;
- (2) any payment in respect of a liability which when incurred did not exceed five pounds in amount ;
- (3) any payment in respect of rates or taxes ;
- (4) any payment in respect of maritime freight ;
- (5) any payment in respect of any debt from any person resident outside the British Islands, or from any firm, company, or institution whose principal place of business is outside the British Islands, not being a debt incurred in the British Islands by a person, firm, company or institution having a business establishment or branch business establishment in the British Islands ;
- (6) any payment in respect of any dividend or interest payable in respect of any stocks, funds, or securities (other than real or heritable securities) in which trustees are, under Section One of the Trustee Act, 1893, or any other Act for the time being in force, authorized to invest ;
- (7) any liability of a bank of issue in respect of bank notes issued by that bank ;
- (8) any payment to be made by or on behalf of His Majesty or any Government Department, including the payment of old age pensions ;
- (9) any payment to be made by any person or society in pursuance of the National Insurance Act, 1911, or any Act amending that Act (whether in the nature of contributions, benefits, or otherwise) ;
- (10) any payment under the Workmen's Compensation Act, 1906, or any Act amending the same ;
- (11) any payment in respect of the withdrawal of a deposit by a depositor in a trustee savings bank.

Nothing in this Proclamation shall affect any bills of exchange to which Our Proclamation dated the Second day of August, nineteen hundred and fourteen, relating to the postponement of payment of certain bills of exchange applies.

Given at Our Court at *Buckingham Palace*, this Sixth day of August, in the year of our Lord, one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING:

THE Lord Chief Justice of Ireland has issued the following directions to the Officers of the King's Bench Division in reference to the practice under the above Royal Proclamations:—

1. Writs of summons are to be issued as heretofore.

2. After the issue of the writ no judgment is to be signed in default of appearance if it appears upon the writ that the claim thereon comes within the Proclamations, or either of them. If in any such action judgment has already been signed no execution shall issue in respect thereof, except by leave of the Court.

Additions to the Library.

THE following books were added to the Library from December, 1913, to July, 1914, both inclusive:—

Arrangements.

Lawrance (George Woodford): *Deeds of Arrangement*. . . with Precedents. Seventh edition. 8vo; *London*, 1914.

Banking.

Hart (Heber L.): *Law of Banking*, with an Appendix on the law of Stock Exchange transactions. 3rd ed. 8vo; *London*, 1914.

Chancery Law and Practice.

Daniell (Edmund R.): *A Treatise on the Practice of the Chancery Division and on Appeal therefrom*. 8th ed., by S. E. Williams and F. Guthrie-Smith. 2 Vols.; 8vo; *London*, 1914.

Daniell (Edmund R.): *Forms and Precedents of Proceedings in the Chancery Division, and on Appeal therefrom*. 6th ed., by R. White. 8vo; *London*, 1914.

Common Law and Practice.

Indermaur (John): *Principles of the Common Law*. 12th ed. 8vo; *London*, 1914.

Maitland (F. W.): *Equity, also the Forms of Action at Common Law*. 8vo; *Cambridge*, 1913.

Shirley (Walter Shirley): *A Selection of Leading Cases in the Common Law*. 9th ed., by Richard Watson. 8vo; *London*, 1913.

Company Law.

Topham (Alfred F.): *Principles of Company Law*. 3rd ed. 8vo; *London*, 1910.

Contract.

Wilshere (Alured M.) and D. Robb: *Analysis of the Law of Contract and Torts, for the use of students*. 8vo; *London*, 1914.

Criminal Law.

Harris (Seymour Frederick): *Principles of the Criminal Law*. 12th ed., by C. L. Attenborough. 8vo; *London*, 1912.

Dictionaries and Cyclopædias.

Brewer (*Rev.* E. Cobham): *The Reader's Handbook of famous names in fiction, allusions, references, proverbs, plots, stories, and poems*. New edition. 8vo; *London*, 1911.

Catholic Who's Who, The, 1914. Edited by Sir F. C. Burnand. 12mo; *London*, 1914.

Directories, Etc.

Army List. *Monthly.*
8vo ; London, 1914.

Army List, The Quarterly: for the
Quarter ending 31st December, 1913.
La. 8vo ; London, 1914.

Dublin University: The Dublin Univer-
sity Calendar for the year 1913-1914.
Vol. II. ; 8vo ; Dublin, 1914.

Hazell's Annual for 1914.
8vo ; London, 1914.

Incorporated Law Society's Calendar and
Law Directory for the year 1914.
8vo ; Dublin, 1914.

Law List, The :
For 1914. 12mo ; London, 1914.

Legal Diary and Almanac, for 1914.
8vo ; London, 1914.

London Directory, Post Office :
For 1914. 4to ; London, 1914.

Navy List, The. *Quarterly.*
8vo ; London, 1914.

New South Wales Law Almanac, for
1914. 12mo ; Sydney, 1914.

Scottish Law List and Legal Directory,
for 1914. 12mo ; Edinburgh, 1914.

Sell's Telegraphic Addresses, for 1914.
La. 8vo ; London, 1914.

Statesman's Year-Book: Statistical and
Historical Annual of the States of the
World for the year 1914. Edited by
J. Scott Keltie. 8vo ; London, 1914.

Stock Exchange Year-Book :
For 1914. 8vo ; London, 1914.

Stubbs' Commercial Year Book and
Gazette Index, 1914.
8vo ; London, 1914.

Thom's Official Directory of the United
Kingdom of Great Britain and Ireland
for 1914. 8vo ; Dublin, 1914.

Whitaker's Almanac :
For 1914. 8vo ; London, 1914.

Dublin University.

The Dublin University Calendar for the
year 1913-1914.

Vol. II. ; 8vo ; Dublin, 1914.

Dublin Examination Papers for the year
1913: being a Supplement to the
University Calendar for the year 1913-
1914. 8vo ; Dublin, 1914.

Electric Lighting, Etc.

Will (John Shiress): The Law relating
to Electric Lighting, Power and
Traction. 4th ed. 8vo ; London, 1913.

Equity.

Maitland (F. W.): Equity, also the
Forms of Action at Common Law.
8vo ; Cambridge, 1913.

Executors and Administrators.

Ingpen (Arthur Robert): Law relating
to Executors and Administrators.
2nd ed. 8vo ; London, 1914.

Finance Acts.

Brown (James Webster): The Finance
Acts, 1894-1912, as far as they relate to
Estate Duty and other Death Duties
(except Increment Value Duty).
3rd ed. 8vo ; London, 1913.

Cartmell (James Austen): The Finance
Acts, 1894, 1896, 1898, 1900, and 1907,
and the Finance (1909-10) Act, 1910 ;
so far as they relate to the Estate Duty
and other Death Duties in England,
with notes, rules, and table of forms.
5th ed. 8vo ; London, 1912.

Forms and Precedents.

Bowstead (William): A Collection of
Forms and Precedents other than con-
veyancing, company, local government,
and practice forms.

2 Vols. ; 8vo ; London, 1914.

Daniell (Edmund R.): Forms and
Precedents of Proceedings in the
Chancery Division, and on Appeal
therefrom. 6th ed., by R. White.

8vo ; London, 1914.

Gazetteers.

Bartholomew (J. G.): The Survey Gazetteer of the British Isles, topographical, statistical and commercial. Compiled from the 1911 Census, and the latest official Returns, with Appendices and Atlas. 4to; *Edinburgh*, 1914.

Housing of the Working Classes.

Bolton (Albert D.): The Housing of the Working Classes (Ireland) Acts, 1890 to 1908, together with the provisions of other Acts relating thereto, including the National Insurance Act, 1911, etc.; also the rules and forms issued thereunder. With Notes of Cases decided under each Section, etc., including English, Irish and Scottish Decisions under the Act of 1890.

8vo; *Dublin*, 1914.

Injunction.

Kerr (William Williamson): Law and Practice of Injunctions. 5th ed., by J. M. Paterson. 8vo; *London*, 1914.

Insurance.

Bunyon (Charles John): Law of Life Assurance. 5th ed., by J. V. Fitzgerald, A. R. Barrand, and C. A. Hunt. 8vo; *London*, 1914.

Carr (A. S. Comyns), W. H. S. Garnett, and J. H. Taylor: National Insurance. With a Preface by the Right Hon. D. Lloyd George. 4th ed.

8vo; *London*, 1913.

International Law.

Foote (John Alderson): Private International Jurisprudence based on the Decisions of the English Courts. 4th ed., by Coleman Phillipson.

8vo; *London*, 1914.

Justice of the Peace.

Stone's Justices' Manual: being the Yearly Justices' Practice for 1914. 46th ed., edited by J. R. Roberts.

8vo; *London*, 1914.

Licensing Acts.

Paterson (James): The Licensing Acts. 24th ed., by G. R. Hill.

8vo; *London*, 1914.

Law Reports.

Revised Reports, The: being a republication of such cases in the English Courts of Common Law and Equity, from the year 1785, as are still of practical utility. Edited by Sir Frederick Pollock.

Vols. 141-145; 8vo; *London*, 1913-14.

Laws of England.

Halsbury (*Rt. Hon.* The Earl of): The Laws of England, being a complete statement of the whole Law of England. Vols. XXVI.-XXVII.

8vo; *London*, 1913.

Stephens (Henry John): New Commentaries on the Laws of England (partly founded on Blackstone). 16th ed., by Edward Jenks.

4 Vols.; 8vo; *London*, 1914.

Personal Property.

Williams (Joshua): The Principles of the Law of Personal Property. 17th ed., by T. C. Williams.

8vo; *London*, 1913.

Wilshere (Alured M.): Analysis of the Law of Real and Personal Property, for the use of students. 8vo; *London*, 1914.

Public Records.

Parish Register Society of Dublin. Vol. XI. Marriage Entries from the Registers of the Parishes of St. Andrew, St. Anne, St. Audoen, and St. Bride (Dublin), 1632-1800.

8vo; *Exeter*, 1913.

Real Property.

Wilshere (Alured M.): Analysis of Williams on the Law of Real and Personal Property, for the use of students.

8vo; *London*, 1914.

Statutes.

Public General Acts (The), passed in the Third and Fourth Years of the Reign of His Majesty King George the Fifth.

8vo; *London*, 1914.

Statutory Rules and Orders.

Statutory Rules and Orders, 1913.

8vo; *London*, 1914.

Stock Exchange.

Schwabe (Walter S.) and G. A. H. Branson: A Treatise on the Law of the Stock Exchange. 2nd ed.

8vo; London, 1914.

Stock Exchange Year-Book:

For 1914. La. 8vo; London, 1914.

Tort.

Wilshere (Alured M.): Analysis of the Law of Contract and Torts, for the use of students. 8vo; London, 1914.

Trade Marks.

Kerly (Duncan M.): Law of Trade Marks and Trade Names, with chapters on trade secret and trade libel, and a full collection of statutes, rules, forms and precedents. 4th ed., by F. G. Underhay.

8vo; London, 1913.

Trade Unions.

Cohen (Herman): Trade Union Law. 3rd ed. 8vo; London, 1913.

Greenwood (John Henry): A Supplement to the Law relating to Trade Unions, including the Trade Union Act, 1913. 8vo; London, 1913.

Workmen's Compensation.

Workmen's Compensation and Insurance Reports: Reports of Cases under the Workmen's Compensation Acts, including all Cases relating thereto decided in the Court of Appeal (England), Court of Session (Scotland), Court of Appeal (Ireland), and on appeal therefrom to the House of Lords; also Cases on Insurance Law, including those under the National Insurance Act (exclusive of Marine Insurance). Edited by William E. Gordon, 1913. 4to; London, 1914.

Solicitors' Benevolent Association.

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

November 4th.

December 2nd.

Notice as to "Gazette."

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

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

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

LOST DEEDS.**£5 REWARD**

Will be paid for delivery to the undermentioned Solicitors within one month from the date hereof of the following Original Deeds:—

15th AUGUST, 1864. Edmond Mahon, of Hampstead, County Galway, first part; Jane Mahon, otherwise Davies, second part; Thomas Davies Mahon, third part; Monimia Jane Mahon, fourth part; Isabella Julia Mahon, fifth part; Stephen John Cowan, of Prospect, County Galway, sixth part.

19th AUGUST, 1874. Isabella Julia Mahon, of Hampstead, County Galway, first part; William Deely, of Kilconnell, County Galway, M.D., second part; Stephen John Cowan and Frederick Dennis, Manager of the National Bank, Galway, third part; and Jane Mahon, fourth part.

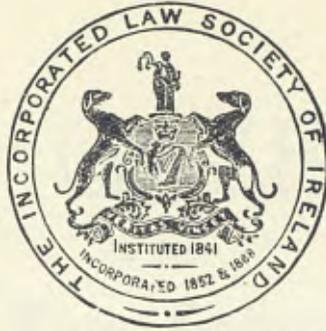
If the Originals are not delivered within the said month, the said Reward will be paid to the first person delivering authentic copies of both the said Deeds.

BENNETT, THOMPSON & McNEILL,

Solicitors for Owners,

3, 4, & 5 Suffolk Street, Dublin.

Dated this 27th day of July, 1914.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 5.]

November, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	47
Council Meetings	48
Committee Meetings... ..	48
Apprentices Serving in His Majesty's Forces	48
Solicitors, and Apprentices to Solicitors, Serving in His Majesty's Forces	48
The Prize Court	49
Ballot for Election of Council	49
General Meeting of the Society	50
New Members	50
Obituary	50
New Solicitors	50
Recent Decisions affecting Solicitors—	
In re <i>Griggs</i> ; <i>Ex parte School Board for London</i>	51
<i>Auster (Limited) v. London Motor Coach Works (Limited)</i>	51
Irish Land Commission	52
Results of Examinations	52
Bench and Solicitors	52
Dates of Examinations	53

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 5.]

November, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

October 7th.

Resident Magistracy.

Since the previous meeting of the Council two appointments having been made to the office of Resident Magistrate, one of those appointed being a District Inspector of the Royal Irish Constabulary, the other a member of the English Bar, the Council passed the following resolution, and directed that copies be sent to His Excellency the Lord Lieutenant, and to the Chief Secretary for Ireland :—

RESOLVED :—“ The Council of the Incorporated Law Society of Ireland desire to express their emphatic protest against the appointment announced in, the *Dublin Gazette* of 6th October of Mr. Henry Albert Hinkson, a member of the English Bar, to the office of Resident Magistrate in Ireland.

“ The Council regard the appointment as a slight upon the legal profession in Ireland from amongst whose members there would have been no difficulty in selecting a suitable person for the office.

“ The Council repeat their protest, addressed to the Irish Executive so recently as the month of July last, against the action of the Executive in persistently ignoring the just claims of members of the Solicitors' profession for appointment to the office of Resident Magistrate.”

Amalgamation of the Legal Professions.

A letter was read from a member of the Society asking the opinion of the Council on the question of the amalgamation of the legal

professions in Ireland. A reply was directed stating that the Council were of opinion that the present time is inopportune for considering the question.

Apprentices Serving in His Majesty's Forces.

The Council passed a regulation giving credit to apprentices serving during the present war in His Majesty's forces for the time so spent as service under their indentures. The regulation, which has been approved by the Lord Chancellor, appears in this GAZETTE.

Appointments to Legal Offices.

A draft report prepared by a Special Committee of the Council, in reference to appointments to legal offices connected with the administration of justice in Ireland, was considered and adopted, and was referred back to the Committee to prepare an introductory statement. The report to be circulated amongst the members of the Society.

Certificates.

Applications by two Solicitors for liberty to take out their certificates were considered, and orders were made.

October 20th.

* Resident Magistracy.

Letters were read from the Assistant Under-Secretary, on behalf of His Excellency the Lord Lieutenant, and from the Private Secretary on behalf of the Chief Secretary, acknowledging the receipt of the resolution passed at previous meeting.

It was resolved to request His Excellency to receive a deputation from the Council on the subject of the Irish Resident Magistracy, the deputation to consist of the President, the two Vice-Presidents, and the past Presidents.

Court of Examiners.

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

Valuation of Society's Premises.

The Council appealed last year against the valuation placed by the Commissioner of Valuation on the premises of the Society, the valuation having been then raised from £200 to £250. The result of the appeal, was now reported. The Commissioner having considered the facts submitted to him, in support of the appeal, reduced his previous valuation to £230, at which figure the valuation has now been fixed.

Law Clerk.

The petition of a Law Clerk for leave to be bound under Section 16 of the Solicitors (Ireland) Act, 1898, and report of the Court of Examiners thereon, were considered, and the application was granted.

Council Meetings.

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

November 4th, 18th, 27th.

December 2nd and 9th.

Committee Meetings.

THE following Committee Meetings were held during October :—

Court of Examiners, 2nd and 19th.

Report, 16th and 28th.

Privileges, 23rd.

Costs, 29th.

House, Library and Finance, 30th.

Apprentices Serving in His Majesty's Forces.

THE Council give notice, with the approval and sanction of the Lord Chancellor, that in any case in which they are satisfied that an apprentice has, with the consent of his master, been engaged in Naval or Military service during the present war, the period of such service with His Majesty's Naval or Military forces, will be allowed to be counted as part of the period of service of the apprentice under his indentures of apprenticeship.

Solicitors, and Apprentices to Solicitors, serving in His Majesty's Forces.

THE following is a list of Irish Solicitors, and of Apprentices to Irish Solicitors, serving in His Majesty's forces.

Care has been taken to make the list as complete as possible, but through want of information there may be some names omitted.

It is hoped that information will be sent to the Secretary in reference to any names omitted, as it is intended to publish the list again in a future number of the GAZETTE.

SOLICITORS.

- Bridge, Wm. P., "D" Co., 7th Batt. Royal Dublin Fusiliers.
 Cox, Piers J., Motor Despatch Rider, Royal Engineers.
 Crozier, Fras. R. M., 2nd Lieut., 6th Batt., Royal Irish Fusiliers.
 Dunn, John V., 2nd Lieut., 7th Batt., Royal Munster Fusiliers.
 English, Robert D., Lieut., 8th Batt., Royal Dublin Fusiliers.
 Exham, Cecil H., 2nd Lieut., 4th Batt., Royal Munster Fusiliers.
 Falls, Chas. F., Capt., Royal Inniskilling Fusiliers.
 Findlater, Herbert S., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Fottrell, Brendan J., Lieut., 3rd Batt., Royal Irish Regiment.
 Fry, Philip G., 2nd Lieut., 8th Batt., Royal Irish Fusiliers.
 Johns, Tyndall S., Lieut., 12th Batt., Royal Irish Rifles.

Lecky, Hugh, "D" Co., 7th Batt., Royal Dublin Fusiliers.
 MacCulloch, Robt. R., 2nd Lieut., 8th Batt., Black Watch.
 Markey, Patrick C., 2nd Lieut., Royal Field Artillery.
 Merrick, Ernest E., 2nd Lieut., 7th Batt., Royal Irish Fusiliers.
 Miller, Julian T. E., Captain, 10th Batt., Royal Inniskilling Fusiliers.
 Moynagh, Stephen, "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Munn, Alfred E. A. M., 2nd Lieut., 11th Batt., Inniskilling Fusiliers.
 O'Grady, Wm. M., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Parke, James C., Lieut., 6th Batt., Leinster Regiment.
 Richards, Wm. R., 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
 Ronan, John, 2nd Lieut., Royal Munster Fusiliers.
 Ryan, Wm. G., 2nd Lieut., 6th Batt., Royal Irish Rifles.
 Smiles, Wm. A., 2nd Lieut., 9th Batt., Royal Irish Rifles.
 Triscott, Cyril, Motor Despatch Rider, Royal Engineers.
 Watson, Saml. H., 2nd Lieut., R. F. Artillery.
 Wright, Wm. M., 2nd Lieut., 13th Batt., R. I. Rifles.

APPRENTICES.

Brett, Jasper T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Bridge, Allman V., 2nd Lieut., 6th Batt., Royal Irish Regiment.
 Crookshank, Arthur C., 2nd Lieut., 6th Batt., The Leinster Regiment.
 Denroche, Chas. T., 2nd Lieut., 7th Batt., The Leinster Regiment.
 Disney, Thos. B. L., Motor Despatch Rider, Royal Engineers.
 Donnelly, Joseph A., 2nd Lieut., Royal Field Artillery.
 Dunbar, Thomas, "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Farrell, Cecil J., Capt., 5th Batt., Leinster Regiment.
 Fitzgibbon, Michl. J., 2nd Lieut., 7th Batt., Royal Dublin Fusiliers.
 Fitzgerald, James G., 2nd Lieut., 9th Batt., Royal Irish Fusiliers.
 Greer, James K. MacG., Nth. Irish Horse.

Kavanagh, John J., 2nd Lieut., 3rd Batt., Connaught Rangers.
 McKee, Herbert M., Motor Despatch Rider, Royal Engineers.
 O'Morchoe, Arthur D., 2nd Lieut., 5th Batt., The Leinster Regiment.
 Patterson, Richd. G. G., 9th Batt., Royal Irish Fusiliers.
 Purcell, Noel M., 2nd Lieut., 6th Batt., The Leinster Regiment.
 Stevens, Wm. P., 2nd Lieut., 2nd Batt., The King's (Liverpool Regiment).
 Tougher, Robt. A., Lieut., 4th Batt., Royal Irish Fusiliers.
 Turnbull, Alex. M., Motor Despatch Rider, Royal Engineers.
 Williams, Saml. E., 2nd Lieut., 6th Batt., Royal Irish Regiment.

The Prize Court.

THE Prize Court, presided over by the President of the Admiralty Division, held its first sitting on 4th September, at the Royal Courts of Justice in London. It was the first occasion for a period of sixty years that a Prize Court had held a sitting in this country.

The statutes relating to the practice of this Court are the Naval Prize Act, 1864; the Prize Courts Act, 1894, and the Prize Courts (Procedure) Act, 1914.

This Court exercises jurisdiction for the whole Empire, and accordingly Irish claims are dealt with by the Court, the Irish Courts never having had a prize jurisdiction. (See *The Madonna del Burso*, reported 4 C. Rob. 169.)

Irish Solicitors concerned for parties interested in Prize Court proceedings may find it more convenient to instruct their London Agents rather than carry on the proceedings in their own names in London.

Ballot for Election of Council.

THE ballot for the election of the Council will take place in the Secretary's Office between the hours of eleven o'clock a.m. and one o'clock p.m., on Monday, the 23rd day of November, 1914.

Ballot papers returned by post should be posted so as to reach the Secretary not later than one o'clock p.m. on Monday, the 23rd day of November, 1914.

General Meeting of the Society.

THE Half-yearly General Meeting of the members of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, on Thursday, the 26th day of November, 1914, at two o'clock p.m. The report of the outgoing Council will be submitted for adoption.

New Members.

THE following joined the Society since July, 1914 :—

Barry, Wm. A. FitzR., Birr.
Coffey, Edward, Limerick.
D'Arcy, James F., Tipperary.
Dudley, John H., Nenagh.
Moran, Hugh O'B., Limerick.
Morgan, Allen H., Thurles.
Ward, Edwd. G. L., Dundalk.

Obituary.

MR. J. RANDAL DONALDSON, Solicitor, died upon the 16th August, 1914, at his residence, Solheim, Dundalk.

Mr. Donaldson served his apprenticeship with the late Mr. Joseph Dickie, and with Mr. Graves A. Leech, Dundalk, was admitted in Trinity Sittings, 1879, and practised at Dundalk.

MR. ROBERT MCGUCKIN, Solicitor, died upon the 19th September, 1914, at Harrogate.

Mr. McGuckin served his apprenticeship with the late Mr. John Glover, Magherafelt, was admitted in Michaelmas Term, 1875, and practised at Magherafelt.

MR. JOHN J. CARTAN, Solicitor, died upon the 22nd September, 1914, at his residence, Raglan Road, Dublin.

Mr. Cartan served his apprenticeship with Mr. M. C. O'Meara, Dublin, was admitted in Michaelmas Sittings, 1886, and practised at 25 Stephen's Green, Dublin.

MR. ROBERT H. PARKE, Solicitor, died upon the 27th September, 1914, at his residence, Swan Park, Monaghan.

Mr. Parke served his apprenticeship with the late Mr. John Givan, Aughnacloy, was admitted in Michaelmas Sittings, 1883, and practised at Monaghan.

MR. EDWIN HARRIS, Solicitor, died upon the 29th September, 1914, at Divernagh, Bessbrook.

Mr. Harris, who was formerly a Barrister-at-Law, was admitted in Trinity Sittings, 1899, and practised at Newry.

MR. RICHARD D. TIGHE, Solicitor, died upon the 7th October, 1914, at Syracuse, U.S.A.

Mr. Tighe served his apprenticeship with the late Mr. Wm. Whitton, 18 Middle Gardiner Street, Dublin, was admitted in Hilary Term, 1876, and practised formerly at Ballinasloe, and subsequently at Arklow up to the year 1912, when he retired.

New Solicitors.

ADMISSIONS DURING AUGUST, SEPTEMBER AND OCTOBER, 1914.

Name	Served Apprenticeship to
Barry, William A. FitzRichard	Richard F. Barry, Birr.
Burke, John Leo	James C. Burke, 63 Upper Sackville Street, Dublin.
Dunlea, Aloysius M.	Anthony Carroll, Fermoy.
Galvin, Daniel Joseph	Barry C. Galvin, Cork.
Lavery, Philip F. M.	Patrick Lavery, Armagh.
Mccreedy, Cedric Cowan	Thomas Tighe Mccreedy, 91 Merrion Square, Dublin.
Moran, Michael P.	John Moran, Listowel.
O'Connell, John D.	John O'Connell, Tralee.
Power, Esmonde A.	Michael J. Heverin, Roscommon.
Toner, James	Charles J. McGahon, Dundalk.

Recent Decisions affecting Solicitors.

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

SUPREME COURT OF JUDICATURE (ENGLAND).
COURT OF APPEAL.

In re GRIGGS; *Ex parte* SCHOOL BOARD FOR LONDON.

July 28, 31, 1914.—*Costs—Compulsory taking of land—Payment of purchase money into Court—Application for payment out—Administration—Land Clauses Consolidation Act, 1845* (8 & 9 *Vict.*, c. 18), s. 80.

The facts and the judgment in the above case (reported 1914, *Weekly Notes*, 221) were given in the June, 1914, number of the *GAZETTE*, Vol. viii., p. 25. The London County-Council appealed.

Freehold property was purchased by the predecessors of the London County Council under their compulsory powers, and the purchase money was paid into Court. On the death of the tenant for life it became necessary to procure administration to two of her sons, and, in the case of one of them who disappeared in 1883, an order was made dividing up the fund, and one-sixth was made payable to each of these administrators. Astbury, J., held that the London County Council must pay the costs of obtaining the letters of administration in both cases and of the order giving leave to presume the death.

The Court (Lord Cozens-Hardy, M.R., Swinfen-Eady, L.J., and Pickford, L.J.) dismissed the appeal, and affirmed the decision of Astbury, J.

(Reported 2 Ch. [1914] 547.)

COURT OF APPEAL (ENGLAND).

THE EFFECT OF THE MORATORIUM.

(Before Lord Justice Buckley, Lord Justice Phillimore, and Lord Justice Pickford.)

AUSTER (LIMITED) *v.* LONDON MOTOR COACH WORKS (LIMITED).

The plaintiffs here appealed from an order made by Mr. Justice Sankey under the Proclamation of August 6, 1914, for extending the postponement of payments allowed to be

made by the Proclamation of August 2, 1914, to certain other payments. The writ in the action was issued on September 5, and was specially indorsed with a statement of claim which was as follows:—

“The plaintiffs’ claim is against the defendants for the sum of £61 9s. 8d., the price of goods sold and delivered. Particulars:—1914, January 22 to July 28. To goods sold and delivered full particulars whereof have been rendered.”

The writ was served on the defendants on September 10. The defendants put in an appearance on September 18, and on the same day, purporting to be acting under Order 25, rule 4, of the Rules of the Supreme Court, they took out a summons asking “that the writ in this action may be set aside and that all further proceedings may be stayed on the ground that the plaintiffs’ claim is not due until the expiration of the moratorium.” An order was made by the Master in the terms of the summons, and that order was affirmed by the learned Judge.

The plaintiffs appealed.

The Proclamation of August 6, the second Moratorium Proclamation, made under the Postponement of Payments Act, 1914, provided as follows:—

“All payments which have become due and payable before the date of this Proclamation, or which will become due and payable on any day before the beginning of September 4, 1914, in respect of . . . any contract made before that time, shall be deemed to be due and payable on a day one calendar month after the day on which the payment originally became due and payable, or on September 4, 1914, whichever is the later date, instead of on the day on which the payment originally became due. . . . This Proclamation shall not apply to:—(2) any payment in respect of a liability which when incurred did not exceed £5 in amount.”

A further Proclamation, of September 3, provided that the Proclamation of August 6 should have effect as if October 4 were substituted therein for September 4, and as if two calendar months were substituted therein for one calendar month.

By directions issued by the Lord Chief Justice on August 12 with respect to practice in relation to the Moratorium Proclamations

it was provided as follows:—(1) " Writs of summons are to be issued as heretofore."

The Court allowed the appeal.

Lord Justice Buckley, after referring to the Postponement of Payments Act and the Proclamations, and stating the facts, and pointing out that in any case the application to set aside the writ was wrong in form, said that the question was not whether the action could be maintained in its entirety, but whether the statement of claim indorsed on the writ disclosed a cause of action. An order striking out the statement of claim could only be supported if it disclosed no cause of action. The first item in the particulars was—Goods, £1 2s. 7d. No doubt an order was given and goods were delivered, and on delivery a liability arose in contract to pay £1 2s. 7d. That was " a liability which when incurred did not exceed £5 in amount." There followed a succession of orders and deliveries and contractual liabilities, all resulting in a money liability which did exceed £5. It was argued for the defendants that these small liabilities were not excepted from the moratorium. The argument really added to clause (2) of the exceptions these words— " but shall apply to a liability exceeding £5 being an aggregate of a number of liabilities each of which when incurred was less than £5." The Proclamation, however, did not so provide, and in his opinion the words " a liability which when incurred did not exceed £5 in amount " must be read according to their natural meaning. The action therefore ought to be allowed to proceed. Six of the items were over £5. As to them the defendants might have something to say, but that would be matter of defence. There was no ground for striking out the statement of claim or staying the action. The appeal must be allowed.

Lord Justice Phillimore and Lord Justice Pickford delivered judgments to the same effect.

(Reported *The Times*, 20th October, 1914.)

Irish Land Commission.

THE following Sittings of the Court of the

Land Commission for hearing Appeals have been provisionally arranged:—

Place of Sitting	Date of Sitting	Districts Listed
	1914.	
Clonmel ..	Nov. 10th	Co. Tipperary (part of).
Waterford ...	" 11th	Co. Waterford
Wexford ...	" 12th	Co. Wexford
Dublin ...	" 20th	Leinster (part of)
Monaghan ...	" 24th	Co. Monaghan
Enniskillen...	" 26th	Co. Fermanagh
Dublin ...	Dec. 3rd	Leinster (part of)
Dublin ..	" 10th	Leinster (part of)

Results of Examinations.

INTERMEDIATE EXAMINATION.

At the Intermediate Examination held upon the 12th October, the following passed the Examination:—

CLASS I.

Timothy O'Shea.

CLASS II.

Henry A. Maginess.
Thomas C. Davis.
Maurice W. Gilhooly.
Charles Magwood.

Eight candidates attended: five passed; three were postponed.

Bench and Solicitors.

AN EXPLANATION.

IN the King's Bench Division, Mr. Justice Dodd, addressing Mr. John Bartley, who was engaged in making an *ex parte* application, said he should be sorry to have been taken as casting any reflection upon the Solicitors of the country in any observations he had made in the *moratorium* cases. His observations had been directed to the unpatriotic action of people who had been trying, at the outbreak of the war, to recover their money. Mr. Justice Gibson and himself never supposed that the Solicitors of the country, who yielded to the solicitations of their clients,

and acted upon instructions, were people burdened with an extra dose of original sin. He should be sorry to say anything injurious to any Solicitor.

Mr. Bartley.—I am much obliged to your lordship for the observations you have made.

Mr. Justice Dodd said they sometimes said things impetuously on the Bench, and Counsel sometimes said things impetuously at the Bar. The Solicitors of Ireland acted with a great deal of zeal and discretion, but they were not always able to repress their clients when they were making undue demands. The whole attitude of the country was now changed. Whereas at the outbreak of the war it was not patriotic to enforce demands, it was now patriotic to enforce them, because persons who purchased goods ought to pay for them in cash to the retail trader in order that the latter might be in a position to pay the general merchant, that the general merchant might be able to pay the manufacturer, and that the manufacturer might be able to make provision for the payment of wages to his employes. Mr. Justice Gibson and himself had been dealing in the *moratorium* cases with the action of people at the time of the outbreak of the war, and they never thought that their observations would have been taken in a sense that they never intended.

(Reported *Irish Times*, 5th November, 1914.)

Dates of Examinations.

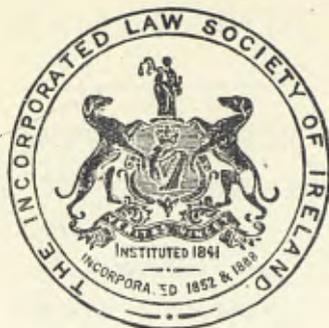
THE following are the dates of the January, 1915, Examinations :—

January 4th, 5th and 6th.—Final Examination (notice to be lodged in Secretary's Office before 18th December).

January 7th and 8th.—Preliminary Examination (notice to be lodged in Secretary's Office before 19th December).

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

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 6.]

December, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Half-yearly General Meeting	55
Meetings of the Council	62
Council Meetings	63
Committee Meetings	63
New Members	64
Obituary	64
Legal Appointments	64
Notary Public	64
Commissioner to Administer Oaths	65
Resident Magistracy	65
Solicitors, and Apprentices to Solicitors, Serving in His Majesty's Forces ...	65
Certificate Duty	66
Emergency Legislation	67
Land Purchase Acts Advances	67
Hour of Sitting of Courts on Days of Judges and Benchers Meetings ...	68
Recent Decisions affecting Solicitors—	
<i>Wakefield v. Duckworth and Another</i>	68
<i>Softlaw v. Morgan</i>	69
Results of Examinations	70
Findlater Scholarship	70
List of Deeds, &c., found in the Strong Room at the Stamps and Taxes Office, Custom House, Dublin	71

THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING 26TH NOVEMBER, 1915.

President :

ARTHUR E. BRADLEY.

Vice-Presidents :

JAMES MOORE.

JAMES MURPHY.

Ordinary Members :

PATRICK J. BRADY, M.P.

HENRY J. SYNNOTT.

GEORGE COLLINS.

WILLIAM S. HAYES.

GERALD BYRNE.

WILLIAM J. SHANNON.

SIR AUGUSTINE F. BAKER.

RICHARD A. MACNAMARA.

CHARLES ST. G. ORPEN.

JOHN W. RICHARDS.

JAMES HENRY.

JAMES MURPHY.

IGNATIUS J. RICE.

WILLIAM V. SEDDALL.

ARTHUR E. BRADLEY.

ROBERT G. WARREN.

WILLIAM T. SHERIDAN.

JOSEPH E. MACDERMOTT.

J. H. CALLAN.

ARTHUR H. S. ORPEN.

HENRY SHANNON.

GEORGE M. MEARES.

CHARLES G. GAMBLE.

LOUIS C. P. SMITH.

R. BLAIR WHITE.

W. HOUGHTON FRY.

JAMES MOORE.

JOHN H. WALSH.

PATRICK ROONEY.

THOMAS G. QUIRKE.

MICHAEL L. HEARN.

Provincial Delegates :

Ulster—THOMAS M. GREER.

Munster—HENRY BLACKALL.

Leinster—MICHAEL BUGGY.

Connaught—S. ST. LAWRANCE BURKE.

Extra-Ordinary Members :

Northern Law Society.

CHARLES W. BLACK.

JOSEPH ALLEN.

JOHN D. COATES.

J. L. McDONNELL.

JOHN C. WHITE.

Southern Law Association.

W. GUEST LANE.

BARRY C. GALVIN.

CHARLES JERMYN.

WALTER B. RONAN.

WALTER THORNHILL.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 6.]

December, 1914.

[FOR CIRCULATION
AMONGST MEMBERS.]

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society was held in the Hall of the Society, at the Four Courts, upon Thursday, 26th November. The chair was occupied by Mr. Henry J. Synnott, President of the Society.

The following members were present:—

Sir A. F. Baker, A. E. Bradley, Patrick J. Brady, M.P.; Gerald Byrne, John H. Callan, George Collins, W. Houghton Fry, Wm. S. Hayes, James Henry, J. E. MacDermott, R. A. Macnamara, G. M. Meares, James Moore, A. H. S. Orpen, C. St. G. Orpen, T. G. Quirke, I. J. Rice, Patk. Rooney, Wm. V. Seddall, Henry Shannon, W. J. Shannon, W. T. Sheridan, R. G. Warren, R. Blair White, Sir George Roche, Sir John P. Lynch, P. K. White, H. D. Draper, John O'Sullivan, E. S. Lowe, E. S. Lowe (jun.), H. C. Neilson (jun.), W. J. Ryan, W. J. M. Coulter, James Brady, H. E. Thompson, G. P. Cussen, C. G. Stapleton, C. J. Quirke, Leonard Webb, R. T. Holmes, S. St. L. Burke, W. H. Sutton, C. C. Shaw, J. W. Davis, R. A. O'Brien, C. A. Stanuell, R. W. MacNeice, Edward Condell, E. F. McHugh, T. F. Crozier, H. R. Maunsell, John Mackey, J. R. Stritch, G. T. Roe, G. A. Overend, B. G. Barton, G. M. Collins, F. V. Gordon, G. A. G. Byrne, W. J. Byrne, W. S. S. Boxwell, B. M. O'Grady, E. N. Edwards, G. H. Lyster, H. M. P. Hare, C. B. W. Boyle, J. H. Collins, J. J. Beatty, C. Friery, H. G. Cooper, N. L. Moran, F. S. D. Colquhoun, F. C. O'Reilly, A. Tuthill, A. H. Burne, C. T. B. White, Chas. Daly, H. Malley, L. J. O'Reilly, H. C. Neilson, W. J. Fegan, T. J. S. Harbison,

D. Ampleford, H. J. W. Downey, P. C. Furlong, G. M. Parkes, J. J. McDonald, R. A. Howe, J. J. Hayden, G. E. G. White, J. J. L. Murphy, R. Fitzsimmons, E. H. Burne, O. E. Barber, Danl. Purcell, J. Barry Brown, W. G. Bradley, P. J. Byrne, V. F. Kirwan, J. T. Hamerton.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, also the minutes of the Half-yearly General Meeting held last May, which latter were signed by the President, who also signed the audited accounts of the Society for year ending 30th April, 1914.

The Secretary submitted the Report of the Scrutineers of the ballot for election of Council for year ending 26th November, 1915, which stated that the following had been returned unopposed as Provincial Delegates:—Henry Blackall, for Munster; Thomas M. Greer, for Ulster; M. M. Buggy, for Leinster, and S. St. L. Burke, for Connaught; and that the following, having received the number of votes placed after their names, had been elected as the thirty-one Ordinary Members of the Council:—P. J. Brady, M.P., 329; H. J. Synnott, 305; George Collins, 298; W. S. Hayes, 295; Gerald Byrne, 279; W. J. Shannon, 274; Sir A. F. Baker, 273; R. A. Macnamara, 271; C. St. G. Orpen, 260; J. W. Richards, 259; James Henry, 258; James Murphy, 251; Ignatius J. Rice, 250; W. V. Seddall, 245; A. E. Bradley, 234; R. G. Warren, 229; W. T. Sheridan, 229; J. E. MacDermott, 226; J. H. Callan, 223; A. H. S. Orpen, 223; Henry Shannon, 222; G. M. Meares, 214; C. G. Gamble, 210;

L. C. P. Smith, 209; R. B. White, 208; W. Houghton Fry, 207; James Moore, 204; J. H. Walsh, 203; P. Rooney, 203; T. G. Quirke, 203; M. L. Hearn, 198; and the following to form a supplemental list to fill vacancies:—J. F. Dunwoody 191; A. Lloyd-Blood, 191; John J. MacDonald, 175.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said:— Since I had the privilege at our May Half-yearly Meeting of giving you some account of the work done by the outgoing Council during the first six months of their tenure of office, I am afraid our domestic concerns have been almost completely overshadowed by the great war, which is the first subject referred to in the Annual Report. The Society has reason to be proud of the attitude of the Profession in reference to the war, and of the appreciation shown by its members, in more ways than one, of the gravity of the issues involved for all of us in that great struggle. Shortly after the outbreak of war, and after consultation with the Lord Mayor of Dublin and with such members of the Council as I was able to get into touch with during the Vacation, I invited subscriptions to the National Relief Fund from Irish Solicitors, and I am glad to be able to have this opportunity of thanking those who so liberally responded to the invitation. A number of Solicitors had already subscribed to the headquarters of the Fund, and a great number wrote from Belfast, Cork and Limerick, and the country parts of Ireland, that they felt bound (and very naturally so) to support their local centres of collection. Nevertheless, I was able to forward to the Lord Mayor in all the sum of £1,077 13s. 6d., contributed by some 180 subscribers. The amount thus contributed is very creditable, and I have reason to know that the generosity of our Profession has been very much appreciated by those in charge of the collection of the Fund.

In this connection I should like also to mention that the members of the outgoing Council decided not to hold their customary Official Dinner this year, and, instead of expending their money in entertaining; they very generously sent to Sir Lambert Ormsby the sum of £127 2s. 0d. to assist in the provision of Irish Motor Ambulances for our wounded soldiers.

Better far, however, than these contributions to patriotic funds is the fact that since the outbreak of war no fewer than 40 young Irish Solicitors and 33 Solicitors' Apprentices have joined His Majesty's Forces—a total of 73, the majority of whom have obtained commissions in Lord Kitchener's new Armies. You will find in the November number of our *Gazette* a list of the names of some of these gentlemen—a list which was complete so far as we knew at the time of publication. Mr. Wakely has ascertained several additional names since the publication of this first list, and he tells me he is not sure that he has as yet succeeded in getting all the names. The Council intend to keep a permanent record of the names of these brother Professionals of whom we are all justly proud. We shall follow their military careers with the greatest interest, and it should be the duty of all of us to see that their interests do not suffer by reason of their absence on their patriotic service.

On the passing through Parliament of the **Special War Legislation,**

the Council circulated amongst the members of the Society print copies in pamphlet form of the Postponement of Payments Act and The Courts (Emergency Powers) Act and the Proclamations and Rules made under these Acts, a course which we trust has proved a convenience to members. These Acts were rushed through Parliament necessarily with haste to meet the great emergency which had arisen, and this may account for the fact, now obvious to all of us, that the Acts do not appear to have been drafted with a view to the special circumstances existing in this country. As to the working out in practice of the provisions of these Acts, the Council are aware that considerable dissatisfaction exists at the manner in which Plaintiff's costs of necessary applications to the Courts have either been arbitrarily disallowed altogether or fixed by the Court at a totally inadequate lump sum. Indeed, I may say that the whole subject of the arbitrary measuring of costs, not only under these special Acts, which are transient, but generally under the Judicature Act, which is permanent, is having the close attention of the Council at the present moment; and I only abstain from reporting

to you more fully on the subject because we are actually engaged in making formal representations to the Judges on the matter, with the assistance and with the hearty co-operation of the Bar Council.

The Annual Report records the passing of

The Government of Ireland Act,

and the fact that the Prime Minister has announced his intention to introduce at a later stage a Bill to amend that Act. The merits or demerits of this most important measure involve questions of high politics with which we have nothing to do in this Hall, but I think it is permissible to express the hope, whatever the ultimate form of the Act may be, that the unity of our Profession will not be destroyed, and that no Irish Solicitor will be deprived of his Statutory right of practising his Profession in every part of the country.

The Council regrets that it has not been able to make any progress with our

Bill for the Reform of County Court Procedure.

I am sure you will quite understand that owing to the state of business during the Summer Session of Parliament, and to what is described as "the tension of parties" during that Session, it was quite hopeless to expect that our humble measure would be given a hearing. The Council have no intention, however, of allowing this Bill to drop, and will press it forward again at the first convenient opportunity, either at home or abroad.

I reported shortly to you at our last Half-yearly Meeting the work done by the Council in connection with the following important matters referred to in the Annual Report:—The new Rules as to costs made by the Local Government Board under the Labourers Acts, the question of costs of claimants under the Housing of the Working Classes Acts, delays in the Land Registry, the suggested amendment of the service out of the Jurisdiction Rule, and I do not propose to make further reference to these matters on this occasion. But there is one matter referred to at the last Half-yearly Meeting and in the Annual Report which I am anxious to

bring under your consideration again, as it is a matter of great interest and importance to the Profession. I mean the subject of

Legal Appointments.

The Council have quite recently circulated amongst the Members of the Society a special report on this subject giving exact facts and figures and references, so that every member is now able to judge for himself the exact extent to which the Solicitors' Profession has been unfairly treated in this matter of appointments to legal offices. I should like here to give credit to Mr. Quirke for the great industry and research he displayed in the preparation of this report, as the work of preparing it was almost entirely his. I shall be surprised if the figures do not come as a revelation to many who have not given much previous thought to the matter. You will see that a gross sum of £336,759 is paid in salaries of offices of a legal nature in Ireland, and of this sum Solicitors receive only one-fifth share. Barristers hold 170 legal offices, in respect of which salaries are paid amounting to approximately £200,000 a year; Solicitors hold 126 appointments, with salaries amounting to under £69,000 a year. Contrast these figures with the fact that there were last year 1,587 practising Solicitors in Ireland paying certificate duty to the amount of £10,500 a year, and 438 practising Barristers paying no annual license duty whatever. The disproportion in the number of these appointments given to members of the Bar and non-professional persons has, I regret to say, in recent years been steadily on the increase, and the virtual boycott of Solicitors is a most serious matter for the Profession. I know that the opinion is held by some of our members that the successive Councils of the Law Society are somewhat to blame for this unsatisfactory state of affairs, but I have never heard any such criticism from any member who has had actual experience of the working of the Council. I can testify myself to the fact that during the years I have served, the Council has done everything possible to obtain a fair share of these appointments for Solicitors. The most recent example of our action you will find referred to in paragraph 11 of the report, where you will see it stated that the Council had requested the Lord

Lieutenant to receive a deputation from the Council on the subject of the Irish Resident Magistracy. Our deputation was most courteously received by His Excellency and Sir Mathew Nathan, the new Under-Secretary, Sir James Dougherty also being present, on the 13th of November. We laid our grievance as fully as possible before His Excellency, who replied sympathetically, and promised that our representations would have careful consideration, and we must only trust that it will be so. I think the Council are agreed that this whole question of legal appointments will never be set right by mere protests, representations or deputations, but that the only adequate remedy is for the profession itself to acquire if possible some voice in the exercise of legal patronage in Ireland. So far as this patronage is exercised by the Government, legal offices appear to be bestowed in reward for political or personal services rendered, rather than for legal merit or fitness for office; and so far as it is exercised by the judicial authorities it is only human nature that first consideration should be given to members of the branch of the Profession from whose ranks those very judicial authorities must themselves be chosen. Some, I know, think the matter could be largely set right by

The Amalgamation of the two Branches of the Legal Profession,

which is personally my own view. There is, however, a great division of opinion amongst Solicitors on this subject, and the special Legal Reform Committee appointed some thirty years ago by this Society (their report is well worth studying) were almost unanimous in reporting against amalgamation. But things have changed in Ireland since the date of that report, and it seems to me the necessity for two branches of the legal Profession in the circumstances which now obtain, gets smaller every year. Amalgamation, too, would require legislation, and to carry the necessary legislation would be extremely difficult without the almost unanimous consent of both Professions even in more favourable Parliamentary times. It is not out of the region of probability that before long the reform of the whole legal system in Ireland will be taken in hand, and

it would be well if in the meantime the opinion of our branch of the Profession generally could be ascertained, and, if possible, formulated on this question of amalgamation and other important questions of a kindred nature.

Turning to our more immediate domestic concerns, I would like to call attention to the

Report of the Statutory Committee,

which you will find on page 43 of the Council's Annual Report. Thirty-two applications were made to this Committee during the year, and in only one case did the Committee deem it necessary to report professional misconduct to the Lord Chancellor, and I may point out that this is the only case where professional misconduct was reported out of some 70 cases investigated by the Committee during the last two years. I am sure you will agree that this is highly creditable to our Profession.

Another satisfactory matter is the record of the

Membership of the Society,

which has been steadily increasing every year for the last seven or eight years. In the year 1908 we had 740 members out of 1,634 practising Solicitors, an average of a little over 45 per cent; last year the Society counted 884 members out of 1,587 Solicitors on the Roll—an average of about 56 per cent. It must be remembered, too, that the Northern Law Society and the Southern Law Association are affiliated to our Society, and have under the Charter direct representation on our Council. These two Societies have amongst their members an additional 160 Solicitors who are not members of the Law Society, so that out of a total of 1,587 Solicitors 1,044 are represented by your Council—an average of about 66 per cent. Of course this is not as satisfactory as it might be, as we are all agreed that every practising Solicitor in Ireland should join the Law Society. Some think it should be compulsory on every Solicitor to join. But the gradual increase of membership is satisfactory, and it seems to be agreed in Ireland that it is better to get recruits by voluntary enlistment rather than by conscription.

In conclusion, on behalf of the Council, I submit the Annual Report, confidently expecting that you will favourably receive it and adopt it unanimously. It has often occurred to me, as I am sure it has occurred to many a member of our successive Councils that these annual reports of ours may sometimes read as "bald and unconvincing narratives." The real truth of the matter is, however, that a very large proportion of the work done by your Council in the interest of the Profession cannot be made the subject-matter of report at all. I cannot tell you of the number of questions intimately concerning individual members of the Profession which are submitted to the Council for decision, and of the number of private interviews which we have with Government Representatives, Judges, Members of Parliament, and others in the endeavour to advance the interests of the Profession. I can assure you that the Council for the past year, as the Councils of previous years, have in all such matters done their utmost to protect the interests and maintain the dignity of the Profession.

MR. P. J. BRADY, M.P. (Vice-President), in seconding the motion, said the exhaustive review of the year's work and the analysis of the Annual Report to which they had just listened from the President made his task, he would almost say, an unnecessary one; and he felt very much in a difficulty in adding anything to what had been said. The President had shown in the remarks which he had addressed to them that thoroughness which had characterised his presidency since he was elected to his high office. As the President said, the Council of the Society was frequently and properly the subject of much criticism; but he did not think any of it had been an unfriendly criticism, but sometimes it had been keen. He might be permitted to say, from his brief knowledge of the work, how difficult it was for a Solicitor who was not a member of the Council to appreciate the size of that work, and the unceasing watchfulness on the part of the President and the Council which that work called for in the interests of the Profession. Again, he thought he was but feebly giving expression to the feelings of some of the older members of the body in welcoming to the

ranks some new members, and they felt perfectly satisfied that these gentlemen would be a very valuable addition to the Council. In a short time they would share the views which the older members shared, that it was not always possible to do what one wished. They were met that day as a professional body under somewhat exceptional circumstances. As the President reminded them, and as the Report told them, the legislative year with which alone they were concerned had been marked by the passage of a very important Act of Parliament. He meant the Act for the Better Government of Ireland, as it was technically known, but sometimes referred to as the Home Rule Act. Of course, as the President had said, that was not the platform nor was that the Hall to discuss political questions, and it was very far from his purpose to do so; but it was very important for them to remember as Solicitors that the passage of this Bill into law and its future operations in that country must have a very important bearing on their Profession, as a whole. It was obvious, whatever one's views might be as to the expediency or otherwise of it, that the existence of that Parliament in their midst would have a very important bearing upon their interests as a Profession. From that standpoint alone he wished to call their attention to the passage of that Act. One of the matters which would engage their attention at an early date under that Parliament would be the reform of County Court procedure. For the fifteenth or sixteenth time an attempt was made to pass through the House of Commons a Bill of a very simple character for the reform of the County Courts, and that Bill met with the fate which all its predecessors met with, namely, abject failure. This was a case in which all the interested parties were agreed as to the necessity for reform. The commercial interests and the professional interests were identical in this matter. Nevertheless, the Bill failed to get to the Statute Book; and it did not require any gift of prophecy to say that one of the legal matters to engage the early attention of an Irish Parliament would be the question of County Court reform. Again, Private Bill legislation must claim an important part in their legislative activities if they had a Parliament sitting in Dublin.

That should be an important matter for the Profession. In present circumstances very few Solicitors were engaged in Parliamentary Bill promotion. It required presence in London, and absence from one's practice, and other considerations which debarred the ordinary practitioner from following Parliamentary work. He hoped that that would be no longer the case, and that Private Bill legislation would be carried on in their midst. The President had referred to a Committee that sat so far back as 1884 to consider the question of fusion of the two Professions. Speaking for himself, and without consultation with any member of the Council, he thought it might be a very desirable thing in view of the passage of Home Rule if a small Sub-committee of the Council and a Sub-committee of members of the Profession outside the Council would consider in advance the question of necessary legal reforms in that country. He said "in advance" for this reason: it was quite clear if an Irish Parliament embarked, as it was very likely to embark, upon questions of legal reform that that Society would be asked to give an opinion upon such reforms; and if they were asked to do so it would not be advisable that they should sit down for the first time to consider these questions. It was very desirable then to forearm themselves and consider these questions so as to be able to give their views when asked as to what would be in the best interests of the country and of their Profession. He took it that any result coming from such a Committee after a consideration of these questions would be very valuable, and in that way they would be able to give fruitful advice if called upon, as perhaps they might be in the near future. On the question of legal appointments, he said it would be very misrepresentative of the Profession if it went forth that Solicitors as a body were out for those appointments—that they were out to get jobs, as it was termed. At the same time it was equally necessary that it should go forth that Solicitors should get a reasonable proportion of such appointments as were going; and if ever there was a case in which a just claim could be made by the Profession it was in this matter. It was his privilege, in conjunction with the President and some other members of the Council, to be received by

the Lord Lieutenant upon the important matter of the appointment of Solicitors to the office of Resident Magistrates. He thought the President, in his very excellent statement, convinced Lord Aberdeen that the Solicitors in Ireland had a very just grievance in this matter, and he was very hopeful on the question, as he thought the President had also convinced Sir Mathew Nathan, the Under-Secretary, who was also present, and he believed from the figures placed before him and which he examined that Sir Mathew Nathan could come to no other conclusion. It was he who would advise his immediate chief, Mr. Birrell, who would in turn advise the Lord Lieutenant, whom he was very glad to hear speaking as he did, and he was also glad that Sir Mathew Nathan was present at the interview. They were very careful to assure His Excellency that they did not object to members of the Bar being appointed, or members of the Royal Irish Constabulary, but people might think that they were too reasonable in that way. They did, however, object to the appointment of gentlemen having no legal qualifications whatsoever, though no legal disabilities attached to the appointments. Every one with experience knew that the most intricate cases which engaged the attention of the King's Bench Division were magistrates' cases, and it was simply nonsense to suggest that a gentleman, however able and considerable his natural talents might be, was as able to consider and deal with these questions as a trained Solicitor would be. In conclusion, he could not adequately express his feeling of gratitude to the members for the recent mark of confidence which they displayed towards him. He knew he was quite undeserving of the honour they conferred upon him, but they might have thought that he was anxious to preserve the interests of the Profession whether in Dublin or away from it. They were right in that, and on every opportunity that was afforded to him he would gladly avail of it to further the interests of the Profession and prevent injustice being done to it, both at home and across the water. In doing that he was doing nothing more than he was expected to do in the circumstances. In the Irish Party there were many Solicitors, and every one of them

was anxious to do everything in his power to promote the welfare of the Legal Profession. In this connection he told His Excellency that a good many of these Solicitors felt very keenly on this question of the appointments to the Resident Magistracy, and that they were absolutely disinterested inasmuch as they could not take these appointments themselves, and at a very early date, unless there was a redress of the balance, they would find it necessary to raise the question in the House of Commons and have it discussed there.

MR. A. BRADLEY said that, arising out of the remarks made with reference to legal appointments, he would recount an incident which happened the previous day. Mr. Shannon and he had occasion to attend at a Petty Sessions in the County Dublin. They travelled down with one of the magistrates who complained that the Justices, at all events in the Co. Dublin, were often called on to deal with difficult legal questions without assistance from any legal gentlemen, showing the want, as Mr. Brady stated, of some one to advise the magistrates when questions of legal importance come before them, and without which assistance the magistrates sometimes found great difficulty in deciding what to do. So it was not altogether a question for the profession and the Solicitors themselves, but actually one for the magistrates as well, who consider they should have the assistance of legal gentlemen, as was instanced in that case which came under his notice.

MR. GERALD BYRNE.—It is a question, too, for the public themselves. The public has a right to have their cases decided before a legal tribunal.

The motion for the adoption of the Report was carried unanimously.

MR. JAMES BRADY moved:—"That in the opinion of this Society the following English Statutes should be extended to Ireland, viz.: The Criminal Evidence Act, 1898 (61 & 62, Vic., c. 36), The Criminal Appeal Act, 1907 (7 Edw. 7, c. 23)." He said he congratulated the Council on the admirable Report placed before the meeting, and the excellent statements made by the President and Mr. Brady with regard to it. He held a strong view with regard to both

Acts mentioned in his motion, for he believed a Criminal Court of Appeal in Ireland was essential, and any man charged with any offence, no matter what its nature, should be permitted to be examined in his own defence. The law as carried out in England, so far as he could ascertain, was working very well; and his experience was that nothing could beat the laws of England provided they were properly administered. It was the administration of the law which compelled people to complain, and it was with the administration of the laws in Ireland that fault was to be found. If a statute of this nature was beneficial for the public interest in England it was equally beneficial for the public interest in Ireland. It was his experience that where a person was examined in his own defence and interest it had proved a benefit. Under the Act as it stood a man could not be compelled to go into the witness box; he need not go there unless he desired to go there himself, and if he did not go those prosecuting him could not comment on his non-appearance there. It was a matter entirely for the man or woman charged, and for their adviser to guide and direct the course of the defence. It was a very strange position that if a man was charged with being drunk he could be examined in his own defence, while if charged with grave misdemeanour or in cases of that nature he could not say a word in his own defence. If charged with a criminal assault a man's mouth was shut; and how often did they hear protests of that kind in Courts of Justice? Why should they not make an honest effort to prevent themselves making hypocritical observations as to the mouths of the prisoners who were their clients being shut, so that they could not give evidence in their own defence? He was delighted to hear Mr. Brady speak about a legal reform committee, and if his motion were passed it would be a good idea to send it for consideration to that committee where the matter could be fully investigated.

THE PRESIDENT suggested to Mr. Brady that the question raised by his notice of motion should be submitted to a Committee of the Council for consideration, and have a report for the next General Meeting of the Society. The Society could then form its own opinion upon it.

MR. J. BRADY said he would agree to that course.

MR. JAMES HENRY.—On that understanding and with that amendment I have great pleasure in seconding the motion.

The motion, so amended, was passed.

MR. P. J. BRADY, M.P. (Vice-President), having been moved to the second chair,

SIR GEORGE ROCHE moved that the best thanks of the meeting should be accorded to their President not only for presiding that day but also for the manner in which he had fulfilled the duties of his office during the year. He said that during forty years' experience as a member of the Society, he had never met anyone who discharged his duties more conscientiously or better in the office of President than Mr. Synnott. He had devoted almost the entire year to the work of the Society, and had succeeded admirably in doing so.

MR. STANUELL, in seconding, said as another Past President who had thirty years' experience of the Council, he could also testify to Mr. Synnott's admirable rule during the past year.

MR. P. J. BRADY, in putting the motion (which was passed amidst applause) from the chair, said he could bear personal testimony to Mr. Synnott's merits as a President. As one of the Vice-Presidents it was his fortune to be brought into closer relationship with the President than other members of the Council; and he did not exaggerate when he said that there was not a week-day upon which he had not occasion to come down there, especially during the Sittings, to deal with questions affecting the Profession. He also wished to express their profound regret at having lost the services of Mr. Stanuell, who retired voluntarily from the Council. There were few members more intimately connected with the spade-work of the Society. He was responsible for the original compilation of the Calendar and many other practical reforms connected with the Profession, and they deeply deplored his loss; but they hoped he would be spared for many years to adorn a Profession which he had already adorned for so many years.

THE PRESIDENT, in acknowledging the compliment, said he was glad and sorry that his year of office had come to an end. It was quite sufficient reward for him to know that in anything he did his efforts met with the appreciation of his brother members of the Council and the general body of the Society, and he thanked them sincerely.

Meetings of the Council.

November 4th.

Resident Magistracy.

A LETTER in reply was read from His Excellency the Lord Lieutenant, asking that the Council would send him a memorial on the subject of the Resident Magistracy, but that if a deputation were preferable, he would receive the deputation. It was resolved to ask His Excellency to receive the deputation.

A report of the reception of the deputation by His Excellency appears in this GAZETTE.

Measuring of Costs.

The subject of the measuring of costs of interlocutory motions by the Court in the King's Bench Division was considered. It was resolved to request the Bar Council to nominate representatives to discuss the matter with representatives of this Council.

Council Dinner.

The Council having resolved not to hold their annual dinner this year, the President informed the Council that he had received from the individual members of the Council £127 2s. 0d. as a contribution from them in lieu of their expenditure on their annual Council dinner, this sum to be sent to an object connected with the war, and that he had sent the money to the Irish Motor Ambulance Fund.

Court of Examiners.

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

Annual Report.

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

November 18th.

Council Dinner.

A letter was read from Sir Lambert Ormsby thanking the members of the Council for their donation to the Irish Motor Ambulance Fund.

Mr. Martin J. Burke.

The Council directed a letter to be written to Mr. Martin J. Burke, who for several years has been one of the representatives of the Northern Law Society on the Council, expressing to him the congratulations of the Council on his appointment as Clerk of the Crown and Peace for Co. Antrim and the City of Belfast.

Court of Examiners.

Reports of the Court of Examiners upon applications of three Law Clerks for leave to be bound for three years under Section 16, were read. One application was granted, one was refused, and the third was adjourned *sine die*.

Mr. Stanuell.

The President, on behalf of the Council, expressed their regret at the retirement of Mr. Stanuell from the Council, after a membership of thirty years, during which he rendered valuable services to the Society and profession. Mr. Stanuell thanked the Council.

November 27th.

Extra-Ordinary Members.

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

A letter was read from the Southern Law Association submitting the names of the following members of that Association to be extra-ordinary members of the Council:—Mr. W. G. Lane, Mr. B. C. Galvin, Mr. Charles Jermyn, Mr. Walter B. Ronan, and Mr. Walter Thornhill.

The ten members nominated were declared duly elected as the ten extra-ordinary members of the Council for the year ending 26th November, 1915.

Mr. M. J. Burke.

A letter in reply was read from Mr. M. J. Burke thanking the Council for their congratulations.

The Rev. J. P. Mahaffy, D.D.

It was resolved that the congratulations of the Council be conveyed to Dr. Mahaffy on his appointment as Provost of Trinity College. Dr. Mahaffy has for the past 45 years been a special examiner to the Society.

Land Purchase.

A letter was read from the Secretary of the Landowners' Convention to the President, enclosing copy of correspondence in reference to the giving by the Estates Commissioners of fourteen days' notice of intention of advancing purchase money in Stock. The correspondence appears in this GAZETTE.

Council Meetings.

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

January 13th and 27th.

February 10th and 24th.

Committee Meetings.

THE following Committee Meetings were held during November:—

Court of Examiners, 2nd and 16th.

Gazette, 5th.

Costs, 11th.

New Members.

THE following joined the Society during November, 1914 :—

Bowers, Michael J., 24 Dame Street, Dublin.

Boyle, Chas. B. W., 29 Lower Gardiner Street, Dublin.

Campbell, Thomas, Swinford.

Cullinan, Francis F., Ennis.

Dunne, John J., Kildare.

Gartlan, Alexander, Newry.

Hall, Fredk. H., 39 South Mall, Cork.

Healy, Nicholas, Kilkenny.

Henderson, James A., 18 Harcourt Street, Dublin.

Magan, Francis J., Granard.

Murray, James, Lismore.

MacDonald, John, Clones.

McDonnell, James L., 2 Wellington Place, Belfast.

MacFernan, Henry J., Westport.

Nunan, James, Mallow.

O'Connor, James J., Wexford.

O'Doherty, Philip, Londonderry.

O'Flaherty, David, Chief Secretary's Office, Dublin Castle.

Roe, Patrick J., Dundalk.

Shaw, Christopher C., 4 Dame Street, Dublin.

White, Wm. O'K., Edenderry.

Winslow, Blayne L., Enniskillen.

Obituary.

MR. ALEXANDER SMITH, Solicitor, died upon the 31st October, 1914, at Newry.

Mr. Smith served his apprenticeship with the late Mr. Wm. R. Corr, Crossmaglen, was admitted in Easter Sittings, 1889, and practised at Wexford, and subsequently at 24 Kildare Street, Dublin, up to the year 1897, when he retired.

MR. JOHN F. CULLINAN, Solicitor, died upon the 2nd November, 1914, at his residence, River View, Ennis.

Mr. Cullinan served his apprenticeship with his father, the late Mr. Michael Cullinan, and Mr. John Bunton, of Capel Street, Dublin, and Ennis, was admitted in Trinity Term, 1852, and practised at Ennis.

Mr. Cullinan filled the office of Sessional Crown Solicitor for the County of Clare from the year 1859 to 1913, when he resigned.

MR. THOMAS H. W. ENRIGHT, Solicitor, died upon the 15th November, 1914, at Castleconnell, Co. Limerick.

Mr. Enright served his apprenticeship with Mr. Wm. M. Beauchamp, Limerick, was admitted in Trinity Sittings, 1890, and practised at Limerick.

MR. PATRICK MAXWELL, Solicitor, died upon the 16th November, 1914, at his residence, East Wall, Londonderry.

Mr. Maxwell served his apprenticeship with Mr. James E. O'Doherty, Londonderry, was admitted in Trinity Sittings, 1881, and practised at Londonderry.

MR. JOHN CROWLEY, Solicitor, died upon the 22nd November, 1914, at Dublin.

Mr. Crowley served his apprenticeship with the late Mr. Bennett Thompson, 3 Upper Sackville Street, Dublin, was admitted in Trinity Sittings, 1886, and practised (formerly in partnership with the late Mr. George P. Bolger) at 50 Lr. Sackville Street, Dublin, under the style of Messrs. Crowley and Bolger.

MR. SAMUEL MORRISON, Solicitor, died upon the 24th November, 1914, at Londonderry.

Mr. Morrison served his apprenticeship with Mr. Robert H. Todd, Londonderry, was admitted in Hilary Sittings, 1887, and practised at Londonderry.

Legal Appointments.

THE Lord Lieutenant has appointed Mr. Martin J. Burke, Solicitor, of 53 Waring Street, Belfast, to be Clerk of the Crown and Peace for the County of Antrim and for the City of Belfast.

Notary Public.

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

Daniel O'Connell, Solicitor, Dundalk.

Commissioner to Administer Oaths.

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

Wilson Fyffe, Solicitor's Assistant
Strabane.

Resident Magistracy.

UPON the 13th November His Excellency the Lord Lieutenant received at the Castle a deputation from the Council, consisting of the President (Mr. Synnott), Mr. Brady, M.P., and Mr. MacDermott (Vice-Presidents); Mr. Hayes, Mr. Macnamara, Mr. Byrne, Mr. Henry, and the Secretary. His Excellency was accompanied by Sir M. Nathan, Under-Secretary for Ireland, Sir James B. Dougherty, and Mr. Martin-Jones. The President and Mr. Brady made statements in support of the claims of the profession to have more Solicitors appointed as Resident Magistrates, no Solicitor having been appointed to the office since 1910.

His Excellency, in replying, stated that five of the six Solicitors at present Resident Magistrates were appointed by the present Government, and promised that the views put forward by the deputation would be considered.

Solicitors, and Apprentices to Solicitors, serving in His Majesty's Forces.

THE following is a list of Irish Solicitors, and of Apprentices to Irish Solicitors, who are serving in His Majesty's forces.

Should the name of any Solicitor, or Apprentice, who is at present serving in His Majesty's forces be omitted from this list, it is hoped that information will be sent to the Secretary.

SOLICITORS.

Atkinson, Thomas J., Captain, 9th Batt.
Royal Irish Fusiliers.
Bridge, Wm. P., "D" Co., 7th Batt. Royal
Dublin Fusiliers.
Cox, Piers J., Motor Despatch Rider,
Royal Engineers.

Craig, Charles C., M.P., Captain, 11th Batt.
Royal Irish Rifles.
Crozier, Fras. R. M., 2nd Lieut., 6th Batt.,
Royal Irish Fusiliers.
Cunningham, Frederick A., Captain, Royal
Irish Rifles.
Dunn, John V., 2nd Lieut., 7th Batt., Royal
Munster Fusiliers.
English, Robert D., Lieut., 8th Batt., Royal
Dublin Fusiliers.
Exham, Cecil H., 2nd Lieut., 4th Batt., Royal
Munster Fusiliers.
Falls, Chas. F., Capt., Royal Inniskilling
Fusiliers.
Findlater, Herbert S., "D" Co., 7th Batt.,
Royal Dublin Fusiliers.
Fottrell, Brendan J., Lieut., 3rd Batt., Royal
Irish Regiment.
Fry, Philip G., 2nd Lieut., 8th Batt., Royal
Irish Fusiliers.
Gilmore, Dinnen B., 2nd Lieut., 6th Batt.
Royal Dublin Fusiliers.
Gordon, Herbert C., 2nd Lieut., 11th Batt.
Royal Inniskilling Fusiliers.
Johns, Tyndall S., Lieut., 12th Batt., Royal
Irish Rifles.
Knight, William W. M., 11th Batt. Royal
Inniskilling Fusiliers.
Lecky, Hugh, "D" Co., 7th Batt., Royal
Dublin Fusiliers.
MacCarthy, George E., The Irish Guards.
MacCulloch, Robt. R., 2nd Lieut., 8th Batt.,
Black Watch.
McCallum, John D. M., Captain, 8th Batt.
Royal Irish Rifles.
McLean, Robert E., Captain, 13th Batt.
Royal Irish Rifles.
Markey, Patrick C., 2nd Lieut., Royal Field
Artillery.
Merrick, Ernest E., Lieut., 7th Batt., Royal
Irish Fusiliers.
Miller, Julian T. E., Captain, 10th Batt.,
Royal Inniskilling Fusiliers.
Moynagh, Stephen, "D" Co., 7th Batt.,
Royal Dublin Fusiliers.
Munn, Alfred E. A. M., 2nd Lieut., 11th
Batt., Inniskilling Fusiliers.
Nolan, William S., 2nd Lieut., Army Service
Corps.
O'Grady, Wm. M., 2nd Lieut., 14th Batt.,
Manchester Regiment.
Orr, Robert C., Captain, 3rd Batt., Somerset-
shire Light Infantry.

- Parke, James C., Lieut., 6th Batt., Leinster Regiment.
- Peel, John E., Motor Despatch Rider, 107th Infantry Brigade, Ulster Division.
- Ramage, William, Motor Cyclist, Royal Engineers.
- Richards, Wm. R., 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
- Ronan, John, 2nd Lieut., 5th Batt., Leinster Regiment.
- Ryan, Wm. G., 2nd Lieut., 6th Batt., Royal Irish Rifles.
- Scott, Robert H., 2nd Lieut., Inniskilling Fusiliers.
- Simms, Alfred G. F., 2nd Lieut., 6th Batt., Connaught Rangers.
- Slattery, Edmond B., 2nd Lieut., 7th Batt., Royal Munster Fusiliers.
- Smiles, Wm. A., 2nd Lieut., 9th Batt., Royal Irish Rifles.
- Stanton, Robert, 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
- Triscott, Cyril, 2nd Lieut., Sherwood Foresters.
- Wallace, Robert H., C.B., Colonel, Camp Commandant, 107th Infantry Brigade, Ulster Division.
- Watson, Saml. H., 2nd Lieut., R. F. Artillery.
- Wright, Wm. M., 2nd Lieut., 13th Batt., R. I. Rifles.
- APPRENTICES.**
- Baillie, Hugh M., 16th Batt., Royal Irish Fusiliers.
- Brett, Jasper T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Bridge, Allman V., 2nd Lieut., 6th Batt., Royal Irish Regiment.
- Conan, Alan J., Army Service Corps.
- Crookshank, Arthur C., 2nd Lieut., 6th Batt., The Leinster Regiment.
- Davidson, James J., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Denroche, Chas. T., 2nd Lieut., 7th Batt., The Leinster Regiment.
- Disney, Thos. B. L., Motor Despatch Rider, Royal Engineers.
- Donnelly, Joseph A., 2nd Lieut., Royal Field Artillery.
- Dunbar, Thomas, "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Falkiner, Frederick E. B., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Farrell, Cecil J., Capt., 5th Batt., Leinster Regiment.
- Fitzgibbon, Michl. J., 2nd Lieut., 7th Batt., Royal Dublin Fusiliers.
- Fitzgerald, James G. E., 2nd Lieut., 9th Batt., Royal Irish Fusiliers.
- Garvey, Ivan H., 2nd Lieut., Connaught Rangers.
- Greer, James K. MacG., Nth. Irish Horse.
- Kavanagh, John J., 2nd Lieut., 3rd Batt., Connaught Rangers.
- Mahaffy, Henry I., 13th Batt., Royal Irish Rifles.
- McCarthy, W. T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- McFerran, William R., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- McGonigal, Robert W., 2nd Lieut., Royal Garrison Artillery.
- McKee, Herbert M., Motor Despatch Rider, Royal Engineers.
- Mitchell, John S., North Irish Horse.
- O'Dwyer, John, junr., 2nd Lieut., 9th Batt., Royal Dublin Fusiliers.
- O'Morchoe, Arthur D., 2nd Lieut., 5th Batt., The Leinster Regiment.
- Parr, Victor H., 2nd Lieut., Inniskilling Fusiliers.
- Patterson, Richd. G. G., 9th Batt., Royal Irish Fusiliers.
- Purcell, Noel M. J., 2nd Lieut., 6th Batt., The Leinster Regiment.
- Ryan, Edward T., 2nd Lieut., 4th Batt., Royal Irish Regiment.
- Schute, J. Hartley, 2nd Lieut., 6th Batt., Royal Irish Fusiliers.
- Stevens, Wm. P., 2nd Lieut., 2nd Batt., The King's (Liverpool Regiment).
- Tougher, Robt. A., Lieut., 4th Batt., Royal Irish Fusiliers.
- Turnbull, Alex. M., Motor Despatch Rider, Royal Engineers.
- Williams, Saml. E., 2nd Lieut., 6th Batt., Royal Irish Regiment.
- Wray, John, P. Captain, 6th Batt., Connaught Rangers.

Certificate Duty.

THE following has appeared in the Parliamentary Papers:—

Q. Sir William Bull.—To ask Mr. Chancellor of the Exchequer, if he will remit the Solicitors' certificate duties now about to become payable in the cases of those Solicitors who are serving with His Majesty's forces. [16th November, 1914].

A. Mr. Montagu.—The matter has been carefully considered. My Right honourable friend, however, does not see his way to remit the certificate duties, which in the circumstances referred to by the honourable Member would, as he is doubtless aware, only be payable in the case of Solicitors who continued, directly or indirectly, to practice. [16th November, 1914].

Emergency Legislation.

ATTENTION is drawn to the publication of a Manual of Emergency Legislation, comprising all the Acts of Parliament, Proclamations, Orders, etc., passed and made in consequence of the war, with supplement, to Nov. 3rd, 1914. Edited by Alexander Pulling, C.B., of the Inner Temple, Barrister-at-Law. Published by Frederick Atterbury, C.B., by authority. Issued by H. M. Stationery Office. Price, Three Shillings and Sixpence.

Land Purchase Acts Advances.

THE following correspondence has taken place on the above subject :—

The Irish Landowners' Convention.

Offices—4 Kildare Street,
Dublin, 25th November, 1914.

Advances under Irish Land Purchase Acts.

DEAR SIR,

Referring to my recent conversation with you, I now enclose copy of a letter which I addressed to the Registrar of the Estates Commissioners on the 12th inst., and his reply thereto of the 21st inst.

I have since heard from Mr. Drennan, saying that the Estates Commissioners have no objection to the publication of this correspondence in the "Solicitors' Journal," should you consider it desirable to have these letters so published, in order to inform Solicitors that the Estates Commissioners are prepared to give 14 days' notice of their intention to advance purchase money, either wholly or partially in Stock, in all cases in which the Vendors or their Solicitors apply that such notice may be given.

Yours very truly,
(Sgd.) GEO. P. STEWART.

H. J. Synnott, Esq., President,
Incorporated Law Society of Ireland,
31 Kildare Street, Dublin.

The Irish Landowners' Convention.

4 Kildare Street,

Dublin, 12th November, 1914.

Advances under Irish Land Purchase Acts.

DEAR SIR,

It appears that, owing to the present crisis due to the war, there is no market for Land Stock. Under these circumstances I write on behalf of the Executive Committee of the Irish Landowners' Convention to ask that, in all cases where the purchase money is payable partly or all in Stock, under the Act of 1903, and also in all voluntary sales under the Act of 1909, notice may be given by the Estates Commissioners to the Vendor's Solicitor, and also the agent named in the Originating Application, as least fourteen days previous to any advance being made.

I would ask that the notice should state that the Commissioners will make the advance unless any special circumstances regarding the estate may be brought to their notice which might make them decide otherwise.

This would give such Vendors an opportunity of putting before the Estates Commissioners any special circumstances regarding the estate in respect of which it is proposed that the purchase money should be so advanced.

Yours faithfully,

(Sgd.) GEO. P. STEWART.

John T. Drennan, Esq.,

Registrar,

Estates Commissioners, Dublin.

Estates Commissioners' Offices,

Irish Land Commission,

Upper Merrion Street,

Dublin, 21st Nov., 1914.

DEAR SIR,

In reply to your letter of the 12th instant, I am directed by the Estates Commissioners to state that they are prepared to give 14 days' notice of their intention to advance purchase money either wholly or partially in stock in all cases in which the Vendors or their Solicitors apply that such notice may be given.

Yours faithfully,

(Sgd.) JOHN T. DRENNAN.

Geo. P. Stewart, Esq.,

The Irish Landowners' Convention,

4 Kildare Street, Dublin.

Hour of Sitting of Courts on Days of Judges and Benchers Meetings.

THE following correspondence has taken place on the above subject :—

The Incorporated Law Society of Ireland,
Solicitors' Buildings, Four Courts,
Dublin, 29th July, 1914.

DEAR SIR,

The Council of this Society desire to draw the attention of the Lord Chancellor and Judges to the inconvenience and loss of time which arises upon the first day of Sittings, and upon other days when there are meetings of the Judges or Benchers, owing to the uncertainty of the hour at which the several Courts will sit on such days.

The Council would suggest that there should be an announcement in the Legal Diary on the first day of Sittings, and on any other day during Sittings upon which there is a meeting of Benchers or Judges before the Courts sit, stating an hour for each Court before which such Court would not sit upon such day.

I remain,

Faithfully yours,

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

J. N. Lentaigne, Esq.,
Hanaper Office,
Four Courts, Dublin.

Lord Chancellor's Secretary's Office,
Four Courts,

Dublin, 4th November, 1914.

DEAR SIR,

I have laid before a meeting of the Lord Chancellor and Judges your letter of the 29th July last, by which the Council of the Law Society draw attention to an inconvenience which is stated to be caused by the uncertainty of the hour at which the Courts respectively sit on days when meetings of Judges or Benchers are held before the sitting of the Court, and whilst noting the suggestions contained in the last paragraph of your letter, their Lordships desire me to point out that the fixing of the hour at which each Court will sit, rests with the particular Judge or Judges about to sit in that Court, and not with the general body of the Judges.

Owing to the nature of the business to be brought before the Judges on those occasions it is very difficult for an individual Judge to determine beforehand how long any particular meeting may take, as sometimes matters that are expected to be short take time, whilst others which are expected to last for a time are more quickly disposed of, and it might happen in the latter event that a Judge would be free to proceed with the business of his Court but would be prevented from doing so by reason of having fixed a later hour, which is a matter that the Judges are always anxious to avoid.

Yours faithfully,

(Signed), J. NUGENT LENTAIGNE.

W. G. Wakely, Esq.,
Secretary,

Incorporated Law Society.

Recent Decisions affecting Solicitors.

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

KING'S BENCH DIVISION (ENGLAND).

(Before Coleridge and Shearman, J.J.)

Wakefield v. Duckworth and another.

October 28, 1914.—Solicitors—Order on behalf of client—Photographs—Action for price.

THE plaintiff, who was a photographer, was instructed by a Solicitor, a member of the defendant firm, to take certain photographs in connection with a charge, in which the defendants were acting for the accused. When the photographs were ordered the plaintiff knew that the defendants were Solicitors and that the photographs were wanted for the trial. In giving the order the Solicitor requested the plaintiff to make the charges low, as the accused was a poor man. In an action by the plaintiff against the defendants for the price of the photographs, *Held*, that the Solicitors were not liable.

The question to what extent Solicitors are agents for their clients was raised in this appeal from a decision of the Judge of the Brentford County Court.

The plaintiff, who was a photographer, brought an action against the defendants, a firm of Solicitors, to recover £5 17s., the price of photographs taken by him on the instructions of a member of the defendants' firm in connection with a charge of manslaughter in which the defendants were acting for the accused person. It was proved at the trial that when the photographs were ordered the plaintiff knew that the defendants were Solicitors and that the photographs were wanted for the trial. It was also proved that in ordering the photographs the Solicitor said, "Make the charges as low as you can, for the fellow is only a poor chap."

At the conclusion of the plaintiff's case the County Court Judge held that the defendants were only acting as agents for their client, and were not responsible for the cost of the photographs.

The plaintiff appealed.

The Court, without calling on Counsel for the defendants, dismissed the appeal.

Mr. Justice Coleridge, in giving judgment, said that there was no question that the plaintiff knew that the defendants were Solicitors acting on behalf of a client, and that being so, apart from any other considerations, they would be agents acting on behalf of a principal. *Prima facie*, in such a contract the person supplying the goods would have to have recourse to the principal and not the agent. It was said, however, that in the present case the mere fact that the Solicitor gave the order made him responsible. In his Lordship's opinion that was not the case.

There were exceptional cases in which, although one party to a contract knew that the other was a Solicitor, yet the Solicitor was personally responsible. For instance, in cash transactions where it was to be assumed that the Solicitor had no authority to pledge the credit of his client. The present transaction was not a cash transaction in that sense, although no doubt an action would lie for the price of the goods as soon as they were delivered. Another case in which the Solicitor might be personally responsible was where a custom would be proved that it should be so. It was for the Judge to say in any particular case whether such a custom

had been proved, and if it were it would override the ordinary incidents of law so far as that case was concerned. In the present case no such custom has been proved. The photographer knew that he was dealing with the Solicitor as an agent, and the mere fact that he chose to debit the agent in his books did not throw upon him any liability to pay. The decision of the County Court Judge was right, and the appeal must be dismissed.

Mr. Justice Shearman concurred.

(Reported *The Times Law Reports*, Vol. XXXI., p 40.)

COURT OF APPEAL (ENGLAND).

(Before Buckley, Phillimore and Pickford,
L.JJ.)

Soflilaw v. Morgan.

November 9, 1914.—*Moratorium—Contract—Date of making—Applicability of moratorium—Postponement of Payments Act, 1914 (4 and 5 George V., c. 11).*

THE moratorium proclaimed under the Postponement of Payments Act, 1914, does not extend to contracts made after August 4, 1914.

The defendant here appealed from an order made by Mr. Justice Scrutton. The action was begun by a specially indorsed writ claiming money due from the defendant to the plaintiff under two contracts made after August 4, 1914. The question was whether the moratorium applied to contracts made after August 4. On an application under Order 14 Mr. Justice Scrutton held that the moratorium did not apply to such contracts, and ordered final judgment to be entered for the plaintiff.

The defendant appealed.

The Court dismissed the appeal.

Lord Justice Buckley said that the order of Mr. Justice Scrutton was right. By the Postponement of Payments Act, 1914, His Majesty had power by proclamation to authorise the postponement of any payment in pursuance of any contract to such extent, for such time and subject to such conditions or other provisions as might be specified in the Proclamation. By a Proclamation of

August 6 it was provided that all payments which had become due and payable before the date of that Proclamation or which would become due and payable on any day before September 4 in respect of any bill of exchange drawn before August 4, or in respect of any contract made before that time—that was to say, before August 4—should be deemed to be due and payable on a day one calendar month after the day on which the payment originally became due and payable. Then, by a Proclamation of September 3, the date of payment was extended by a month—to October 4. But there was nothing in the Proclamation of September 3 to alter the class of contracts, payment in respect of which was to be affected by the moratorium. The moratorium was not extended so as to apply to contracts made after August 4.

Lord Justice Phillimore and Lord Justice Pickford delivered judgment to the same effect.

(Reported *The Times Law Reports*, Vol. XXXI., p. 54).

Results of Examinations.

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

1. John A. O'Connell.
2. Patrick Marron, Jun.
3. John J. Early.
4. Eustace Tyndall.
5. Sydney Exshaw.

John Hanrick, Patrick J. Kennedy, and Albert Woodcock have passed the modified Preliminary Examination, for which they had liberty to present themselves.

Ten candidates attended : eight passed ; two were postponed.

At the Final Examination for Apprentices seeking admission as Solicitors, held upon the 13th, 14th and 15th October, the following

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

1. James O'Connor.
2. William J. Keery.
3. Daniel P. King.
4. William J. Norman.
5. Henry G. Morris.
6. George Lynch.
7. James C. Browne.
8. John Boyd.
9. Alexander M. Turnbull.
10. John Forde.
11. James O'Doherty.
12. John Cullen.
13. Gerald L. Alderdice.
14. James J. O'Connor.
15. Robert A. Osborne.
16. Edmond A. Rice.
17. Conor A. Maguire, B.A., N.U.I.
18. Robert D. C. Bustard.
19. Richard A. Herbert.
20. Patrick Hogan, B.A., N.U.I.

The Council awarded a Gold Medal to James O'Connor, a Silver Medal to William J. Keery, and a Special Certificate to Daniel P. King.

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

Findlater Scholarship.

The Findlater Scholarship for 1914 was awarded to Mr. Valentine W. Miley, B.A., Oxon., who served his apprenticeship with his father, Mr. D. O'Connell Miley, of 12 South Frederick Street, Dublin.

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

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

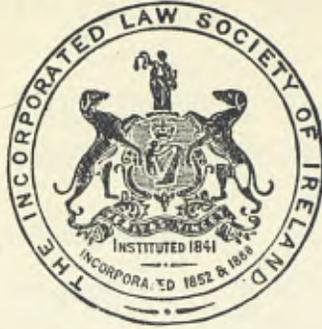
**List of Deeds, &c., found in the Strong Room at the Stamps and Taxes Office,
Custom House, Dublin.**

The following is a list of Deeds, etc., found in the Strong Room at the Stamps and Taxes Office at the Custom House. Solicitors who may be interested for persons entitled to the possession of any of these Deeds, etc., should correspond on the matter with the Assistant Secretary and Comptroller, Stamps and Taxes, Custom House, Dublin.

Description and Date of Instrument	Names of Parties and Solicitor	Situation of Lands
Bargain and Sale, 23 Feb., 1828.	John Ryan, James Lyne, and James Thos. Dickson and John Richards, with John Claudius Beresford. <i>Solicitors:</i> Piers & Cullen, 150 Lr. Gloucester St.	Co. Kildare, Co. Wicklow, and Co. Dublin, and City of Dublin.
Copy Lease, 14 Sept., 1824.	H. & Mrs. M. Cheevers to Wm. Mitchell. <i>Attorney:</i> P. G. Murphy.	White Hall, E. side of Abbeygate St., Galway.
Declaration for the Uses of Two Fines, 29 Aug., 1822.	H. & Mrs. Cheevers to C. Cheevers. <i>Solicitor:</i> C. O'Connor (address unreadable).	Various houses, etc., in Galway.
Lease, 11 Feb., 1836.	Arthur Henry to Wm. Smyth. <i>Solicitor:</i> Thos. W. Barlow, 14 Clare Street.	Carnaghaliss, Co. Antrim.
Statement of Title to Lands, Houses, etc.	M. Perrin. <i>Solicitor:</i> J. N. Byrne, 74 Great Brunswick Street, Dublin.	Castlerag, Galway.
Command to Deliver up Lands, etc.	F. H. Briscoe and R. Williams. <i>Attornies:</i> F. Hamilton and G. Pentland.	100 Messuages, 100 Cottages, 2 Mills, 10 Pigeon Houses, etc., in Miletown and Wollenstown, Co. Louth.
Settlement on Marriage, 11 Feb., 1817.	John Williams to Miss E. Skellern. <i>Agent:</i> Jno. Williams, 4 Bishop Street.	Aghavadran, Co. Cavan.
Settlement on Marriage, 4 Feb., 1817.	Chas. Williams to Miss H. Skellern. <i>Agent:</i> Jno. Williams, 4 Bishop Street.	Aghavadran, Co. Cavan.
Settlement, 13 March, 1826.	Lord Blayney, Hon. C. Blayney, Rt. Hon. and Rt. Rev. Bishop of Meath, and William and Rev. Robert Alexander. <i>Solicitor:</i> Wm. Young, 11 Upper Gardiner Street.	Castleblayney, Annyart, Annylitten, etc., etc., Co. Monaghan.

Also Settlement between same parties dated 31st March, 1825 (see next page).

Description and Date of Instrument	Names of Parties and Solicitor	Situation of Lands
Settlement, 31st March, 1825.	Rt. Hon. Lieut.-Gen. Thomas Andrew, Lord Blayney (1), The Rt. Hon. Cadwallader Blayney (2), The Lord Bishop of Meath (3), and W. J. Alexander, Rev. Robt. Alexander. <i>Solicitor</i> : Wm. Young, 11 Upper Gardiner Street.	Castleblayney, Annyart, Annalitten, Annadrummond, Bree, Conneyberry, Carrickagarvin, Church Hill, Corkskeagh, Drumagalvin, etc., etc., Co. Monaghan.
Lease, 5 May, 1829.	Lieut.-Col. F. A. K. Gore to Wm. Malley. <i>Solicitor</i> : W. P. McAlpin, 6 Usher's Island.	Raheenroe, Town of Ballina, Co. Mayo.
Assignment, 5 Aug., 1859.	J. B. Kennedy to R. J. Munn. <i>Solicitor</i> : J. B. Kennedy, 47 Victoria St., Belfast, and 8 Inns' Quay, Dublin.	Ballykeel, Town of Holywood, Co. Down.
Lease, 10 Oct., 1826.	Laurence Scallan, and others to Robert Hughes. <i>Solicitors</i> : P. & D. Mahony, Merrion Square. Lease endorsed "Provincial Bank of Ireland."	House in Wexford on the Quay.
Deed of Appointment, 1st July, 1837.	Mrs. A. Lindsay (1), E. Lindsay, Esq. (2), Robert Stephenson, M.D., and David McCance (3).	Sum of £1,846 3s. 1d. put into trust (£2,000 old currency).
Appointment, 19 Nov., 1834.	A. Perry, Esq. (1), Rev. E. N. Perry (2), Robert Warren and T. S. Perry (3). <i>Solicitor</i> : W. Ware, South Mall.	Gortmore and Clonody, called Patrickswell, Co. Tipperary.
Settlement pursuant to Decree dated 22 Sept., 1824.	Michael. Ryan, Cath. Ryan (his wife), Patk. Lambert and Rev. Patk. Sinnott, Walter Burke and John F. D'arcy. <i>Solicitor</i> : Rd. W. Scallan, 34 Lr. Ormond Quay, Dublin.	Rathfarnham & Brabazon Row, Dublin.
Mortgage dated 17 March, 1788, for £1,083 6s. Also Assignment	Joshua Spencer to Thos. Shaw. <i>Solicitor</i> : — Forde. of above Mortgage to Francis Lloyd, undated.	Lined, etc., Co. Armagh.
Mortgage dated 23 Jan., 1794.	John Falvey, Valentine Browne & Thos. Galway to Richard Frankland.	Keelnoravanagh and West Gortnoclaghy, Co. Kerry.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 7.]

January, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	74
Council Meetings	75
Committee Meetings	75
Solicitors' Annual Certificates	75
New Member	75
Obituary	75
Roll of Honour	76
Commissioners to Administer Oaths	76
Trading with the Enemy Amendment Act, 1914	76
Resolutions of the General Council of the Bar of November 27th, 1914, in reference to Barristers engaged in Military Service	76
Courts (Emergency Powers) (Ireland) Act, 1914	76
Recent Decisions affecting Solicitors—	
<i>In re R. P. Morgan & Co.</i>	77
<i>Hewitt v. Hewitt</i>	77
Irish Land Commission	78
Solicitors' Benevolent Association	78
Additions to the Library	78
Quarter Sessions for Ireland, 1915	80

THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1915.

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

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

COURT OF EXAMINERS FOR 1915.

President :

ARTHUR E. BRADLEY.

Vice-Presidents :

JAMES MOORE.

JAMES MURPHY.

JOSEPH ALLEN.

M. L. HEARN.

HENRY SHANNON.

W. H. FRY.

C. ST. G. ORPEN.

L. C. P. SMITH.

B. C. GALVIN

PATRICK ROONEY

J. H. WALSH.

C. G. GAMBLE.

W. V. SEDDALL.

R. G. WARREN.

Special Examiners :

C. H. DENROCHE, B.A., LL.D., R.U.I.

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

Professors :

HENRY P. MAYNE, B.A., T.C.D.

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

Secretary :

WM GEO. WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 7.]

January, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

December 2nd.

Election of President and Vice-Presidents.

THE Council elected Mr. Arthur E. Bradley to the office of President of the Society, and Mr. James Moore and Mr. James Murphy to the office of Vice-Presidents of the Society, for the year ending 26th November, 1915.

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

The Rev. J. P. Mahaffy.

A letter was read from the Rev. J. P. Mahaffy thanking the Council for their congratulations on his appointment as Provost of Trinity College.

Barristers engaged in Military Service.

A letter was read from the Bar Council enclosing resolutions of that Council relating to the legal business of Counsel who are engaged in military service. The Council expressed approval of these resolutions, and they appear in this GAZETTE.

Measuring of Costs.

A letter was read in reply from the Bar Council stating that the question of the arbitrary measurement of costs of motions in the King's Bench Division in reference to

which this Council had submitted a memorandum to the Bar Council, had been considered. The Bar Council expressed approval of the memorandum, and forwarded the following resolution which they had passed on this subject:—"The Council wish to call the attention of the members of the Bar to Order LXV., Rule 25, of the Supreme Court Rules dealing with the measurement of Costs of Interlocutory applications, and to inform the profession that this Rule has of late not been strictly adhered to, with the result that in many cases the costs as measured by the Court do not even cover the Solicitor's outlay.

"The Council suggest that in future members of the Bar shall not ask the Court to measure the costs of Interlocutory proceedings in which they represent the successful party without definite instructions, and that when they appear for the unsuccessful party they shall not ask to have the costs measured unless they can show special circumstances within the meaning of this Rule."

Legal Appointments.

A Special Committee of the Council was appointed to further consider the matter of appointments to legal offices in Ireland, and the report thereon issued by the Council.

December 9th.

Statutory Committee.

A letter was read from the Secretary of the Lord Chancellor intimating that His Lordship had appointed the following seven members

of the Council to be the Statutory Committee under Section 34 of the Solicitors (Ireland) Act, 1898, for the year ending 26th November, 1915 :—Mr. Bradley, Sir A. F. Baker, Mr. Byrne, Mr. Hayes, Mr. Henry, Mr. Macnamara, and Mr. Synnott.

Court of Examiners and Committees.

The Court of Examiners and Committees of the Council for the year ending 26th November, 1915, were appointed, and the lists appear in this GAZETTE.

Law Clerks.

A petition for a modified preliminary examination under Section 18 was considered, and it was decided to assent to its being granted.

Payments in Exchange for Title Deeds.

The following resolution was passed :—
 “The Council recommend the profession generally to adopt an uniform practice of making all payments as between themselves in exchange for title deeds or securities for clients, either in cash or by marked cheque or bank draft.”

Council Meetings.

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

- February, 10th and 24th.
- March 10th and 24th.

Committee Meetings.

THE following Committee Meetings were held during December :—

- Gazette, 11th.
- Court and Offices, 14th.
- Court of Examiners, 16th.
- County Courts, 18th.

Solicitors' Annual Certificates.

MEMBERS are reminded that Annual Certificates for the year ending 5th January, 1916, should be taken out and the duties paid thereon before the 6th February, 1915.

New Member.

THE following joined the Society during December, 1914 :—

McQuaid, Philip J., Newry.

Obituary.

MR. GEORGE H. SARGINT, Solicitor, died upon the 6th December, 1914, at Warrenpoint.

Mr. Sargint served his apprenticeship with Mr. Walter Nolan, Solicitor, Cahir, was admitted in Trinity Sittings, 1898, and practised at Cahir.

MR. PATRICK J. KENNY, Solicitor, died upon the 13th December, 1914, at his residence, Belair, Waterford.

Mr. Kenny served his apprenticeship with the late Mr. Pierse Kelly, Solicitor, Waterford, was admitted in Hilary Sittings, 1881, and practised in partnership with Mr. Thomas Stephenson (under the style of Messrs. Kenny and Stephenson) at Waterford.

MR. THOMAS KIERNAN, Solicitor, died upon the 23rd December, 1914, at his residence, Leitrim Lodge, Dalkey, Co. Dublin.

Mr. Kiernan was admitted in Trinity Term, 1843, and practised at 55 Middle Abbey Street, Dublin, and Carrick-on-Shannon, up to the year 1908, when he retired.

In the year 1857 Mr. Kiernan was appointed Clerk of the Crown for County Leitrim, which office he held up to the year 1905.

MR. WILLIAM H. IRWIN, Solicitor, died upon the 23rd December, 1914, at 8 Manders' Terrace, Ranelagh, Dublin.

Mr. Irwin served his apprenticeship with the late Mr. John E. Tarleton, 5 Stephen's Green, Dublin, was admitted in Michaelmas Sittings, 1882, and practised at 30 North Great George's Street, Dublin, and subsequently at Thurles, up to the year 1890, when he retired.

Roll of Honour.

CAPTAIN ROBERT C. ORR, of the 3rd (Special Reserve) Battalion, Somersetshire Light Infantry, was killed in action in France, on the 19th December.

Captain Orr served his apprenticeship with the late Mr. Robert H. Orr, Belfast, and Mr. John C. Crossle, Belfast, was admitted a Solicitor in Hilary Sittings, 1903, and practised formerly in Belfast and subsequently at Ballymena, in partnership with Mr. Travers W. King, under the style of Messrs. R. and H. Orr.

Commissioners to Administer Oaths.

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

Francis L. Hughes, Solicitor, 48 Donegall Street, Belfast.

John G. Oulton, Solicitor, 21 Lower Fitzwilliam Street, Dublin.

Trading with the Enemy Amendment Act, 1914

MR. A. G. HOLLINSHEAD, Official Assignee in Bankruptcy, has been appointed Custodian for Ireland under the Trading with the Enemy Amendment Act, 1914.

Resolutions of the General Council of the Bar of November 27th, 1914, in reference to Barristers engaged in Military Service.

THAT with a view to preserving, so far as possible, the practice of Barristers who are unable to attend to their business owing to their serving in His Majesty's Forces, or otherwise in connection with the war, Solicitors be asked to adopt the following procedure in every case in which a Solicitor would normally have employed a Barrister so serving:—

(1) The Solicitor to continue to place the name of the Barrister so serving on briefs and papers.

(2) The Solicitor to deliver such briefs and papers, together with the fee marked thereon, to such Barrister as he may in his own discretion from time to time select, and to invite such Barrister to hold the

brief or attend to the papers so delivered to him on behalf of the Barrister whose name is placed thereon.

That with a view to preserving, so far as possible, the practice of every Barrister who is unable to attend to his business owing to his serving in His Majesty's Forces or otherwise in connection with the war (hereinafter designated as A. B.), the Bar Council recommends:—

(a) That all Barristers should make it a point of honour to do what they can to ensure that A. B. may get back his practice intact when he resumes work at the Bar.

(b) That all Barristers, whether senior or junior to A. B., should, so far as is reasonably practicable, do the work of A. B.

(c) That any Barrister doing the work for A. B. should after his signature to any pleadings or other documents add, "for A. B., now serving in His Majesty's Forces" (or as the case may be), and if holding a brief should state to the Court for whom he is holding such brief and for what reason.

Courts (Emergency Powers) (Ireland) Act, 1914.

An Act to amend the Courts (Emergency Powers) Act, 1914, in its application to Ireland.

[27th November, 1914.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In the application of the Courts (Emergency Powers) Act, 1914, to Ireland "proceedings for the recovery of possession of lands or tenements under section fifteen of the Summary Jurisdiction (Ireland) Act, 1851, or section eighty-six of the Landlord and Tenant Law Amendment Act (Ireland), 1860," shall be substituted for "proceedings for the recovery of possession of tenements under the Small Tenements Recovery Act, 1838."

2. This Act may be cited as the Courts (Emergency Powers) (Ireland) Act, 1914.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Neville, J.)

In re R. P. Morgan & Co.

Nov. 19, 1914.—Solicitor—Costs—Taxation—Case for Counsel before litigation—Perusing particulars—Schedule of documents on change of Solicitors—Solicitor and client—General Order, Solicitors Remuneration Act, 1881 (44 & 45 Vict., c. 44), r. 2, Sched. 11—Rules of the Supreme Court, 1883, Appendix N.—Practice notes of masters.

R. P. MORGAN & CO., a firm of Solicitors at Neath, were employed by a Mrs. Price in certain matters, and by her instructions commenced an action against her former Solicitors for negligence. After the pleadings were closed, Mrs. Price withdrew her retainer from R. P. Morgan & Co. and employed another firm of Solicitors. R. P. Morgan & Co. in due course delivered their bill of costs to Mrs. Price, and on its taxation before the Master the following items (amongst others) were objected to:—

1. A charge of £2 6s., being 2s. per folio for "drawing case for opinion of Counsel" before litigation. The objection was that the charge should be 1s. per folio, because it was not conveyancing business within Schedule 11 of the General Order of the Solicitors Remuneration Act, 1881. The Master held that *In re Mahon* (1893), 1 Ch. 507, applied, and overruled the objection.

2. A charge of 6s. 8d. "for perusing particulars delivered" in the action. The objection was that the particulars were four folios in length and should be charged at 4d. a folio, pursuant to Practice Note in Appendix N. The Master was of opinion that the dictum of Vaughan Williams, L.J., in *Milbank v. Milbank* (1900), 1 Ch. 376, applied, and overruled the objection.

3. A charge of 10s. for "drawing schedule of deeds to be handed to your new Solicitors." The objection was that the charge was improper: *In re Callin*, 18 Beav. 508. The Master overruled the objection,

being of opinion that the Solicitors were entitled to the Schedule at the cost of the client.

Mrs. Price took a summons to review the Taxing Master's decision.

Neville, J., affirmed the decision of the Taxing Master on all these points, and dismissed the summons with costs.

(Reported *The Weekly Notes*, December 5th, 1914, p. 450.)

[NOTE.—The dictum of Vaughan Williams, L.J., in *Milbank v. Milbank* (1900), 1 Ch., p. 385, is:—"Such particulars are really supplemental to the pleadings; they are in fact amendments of the pleadings." The fee in Appendix S. of the Supreme Court (Ireland) Rules, 1905, is:—"Perusal of amendment of pleading, 5/-, or, at Solicitor's option, 4d. per folio."

As regards item 3 in above case, the fees chargeable in Ireland would appear to be:—Drawing Schedule of Deeds or Documents for each page of 28 lines, 3/4; copy 1/6.]

CHANCERY DIVISION (ENGLAND).

(Before Eve, J.)

In re Hewitt; Hewitt v. Hewitt.

Nov. 25, 1914.—Trust—Public Trustee—Foreign settlement—Appointment of trustee—Whether Public Trustee competent.

The Public Trustee is not a competent trustee of any settlement other than an English settlement.

This adjourned summons raised the question whether the Public Trustee could be appointed trustee of a Scottish or foreign settlement. The settlement was in Scottish form; it contained an investment clause which did not fit the Public Trustee, but contained no express power to appoint new trustees. It also contained provisions which were unknown to English lawyers, and the original trustees were Scotsmen. At present, however, the trustees were English, all the beneficiaries were English, and the trust funds were invested in English securities.

Mr. Justice Eve, in giving judgment, said that the question was whether the Public Trustee was a competent trustee of the settlement, and this involved the general

question whether he was a competent trustee of any other than an English settlement. The first question was whether this was a Scottish settlement. In his Lordship's opinion it was a Scottish settlement pure and simple. The general rule was that the question was decided by the domicile of the settler unless there were contrary indications. In the present case there were abundant contrary indications, and from beginning to end it was a Scottish settlement. It was said that as all the beneficiaries were in England, and the present trustees and trust securities were English, the Public Trustee ought to be appointed, but nothing turned on those facts. The time to ascertain the nature of the settlement was the date when it was made. The Public Trustee Act, 1906, did not extend to a foreign settlement, and there was nothing in the Act which enabled the Public Trustee to accept trusts outside the jurisdiction, but that did not prevent him from accepting the trusts of an English settlement which included property outside the jurisdiction.

(Reported *The Times Law Reports*, Vol. XXXI., p. 81.)

Irish Land Commission.

THE following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged.

Place of Sitting	Date of Sitting	Districts Listed
	1915.	
Dublin ..	Jan. 14th	Leinster (part of)
Dublin ..	" 28th	Leinster (part of)
Armagh ..	Feb. 9th	Co. Armagh
Cavan ..	" 10th	Co. Cavan
Galway ..	" 23rd	Co. Galway
Ennis ...	" 24th	Co. Clare
Londonderry	Mar. 2nd	Co. Londonderry and Co. Donegal (part of)
Strabane ...	" 3rd	Co. Donegal and Co. Tyrone (part of)
Omagh ...	" 4th	Co. Tyrone (part of)

Solicitors' Benevolent Association.

THE Annual General Meeting of this Association will be held in the Hall of the Incorporated Law Society, at the Four Courts, on Friday, the 29th January, 1915, at two o'clock p.m.

Additions to the Library.

THE following books were added to the Library during August-December, 1914, inclusive:—

Conveyancing.

Key (Thomas) and H. W. Elphinstone: *Precedents in Conveyancing*. Tenth edition. In two volumes.

8vo; London, 1914:

Dublin University.

Dublin University Calendar for the year 1914-1915, to which are added the ordinary papers set in the year 1913-1914. Volume 1; 8vo; Dublin, 1914.

Emergency Legislation.

Manual of Emergency Legislation, comprising all the Acts of Parliament, Proclamations, Orders, etc., passed and made in consequence of the War, to September 30th 1914. With Supplements. 8vo; London, 1914.

Courts (Emergency Powers) Act, 1914, and Rules thereunder for the High Court and County Court made by the Lord Chancellor. Issued by the Incorporated Law Society of Ireland to Members.

8vo; Dublin, 1914.

Bolton (Albert W.): *The Postponement of Payments Act, 1914, and the Courts (Emergency Powers) Act, 1914, etc., etc.* Third edition, revised and enlarged.

8vo; Dublin, 1914.

Hanna (Henry): *The War and Suspension of Legal Remedies*.

8vo; Dublin, 1914.

Page (Arthur): *War and Alien Enemies*. The law affecting their personal and trading rights and herein of Contraband of War and the capture of prizes at sea.

8vo; London, 1914.

Phillipson (Coleman): *The Effect of War on Contracts, and on Trading Associations in territories of Belligerents*.

8vo; London, 1909.

Schuster (Ernest J.): The Effect of War and Moratorium on Commercial Transactions. Second edition.

8vo ; London, 1914.

Equity.

Smith (H. Arthur) : Principles of Equity. Fifth edition.

8vo ; London, 1914.

Forms and Precedents.

Bowstead (William): A Collection of Forms and Precedents other than conveyancing, company, local government, and practice forms. In two volumes.

8vo ; London, 1914.

History:

Ball (Francis Elrington) and Everard Hamilton : The Parish of Taney : a History of Dundrum, near Dublin, and its neighbourhood. 8vo ; Dublin, 1895.

Income Tax

Sanders (William) : The Practice and Law of Income Tax. 8vo ; London, 1914.

International Law.

Bentwich (Norman) : Students Leading Cases and Statutes on International Law, With an introductory note by Prof. L. Oppenheim.

8vo ; London, 1913.

Judicial Statistics.

Judicial Statistics, Ireland, 1913.

fol. ; Dublin, 1914.

Laws of England.

Encyclopædia of the Laws of England. Edited by Max Robertson. Volume XVI. Supplementary volume containing amendments and additions to the end of 1913.

8vo ; London, 1914.

Halsbury (*Rt. Hon.* The Earl of) : The Laws of England, being a complete statement of the whole Law of England. Vol. XXVIII.

8vo ; London, 1914.

Practice.

The Annual Practice, 1915. Being a collection of the Statutes, Orders, and Rules relating to the general practice, procedure and jurisdiction of the Supreme Court ; with notes, forms, etc. By J. B. Mathews, R. White, and F. A. Stringer.

8vo ; London, 1914.

Stamp Duties.

Alpe (Edmund N.): Law of Stamp Duties on deeds and other instruments. Revised and enlarged by A. R. Rudall, with notes on practice by H. W. Jordan. Thirteenth edition.

8vo ; London, 1914.

Vendors and Purchasers.

Seaborne (Henry) : Concise Manual of the law relating to Vendors and Purchasers of Real and Leasehold property. Eighth edition, by W. A. Jolly and W. G. Hart.

8vo ; London, 1914.

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

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

QUARTER SESSIONS FOR IRELAND, 1915.

County and Sessions Town	Hilary	Easter	Trinity	Michaelmas	County and Sessions Town	Hilary	Easter	Trinity	Michaelmas
ANTRIM—					Donegal—con				
Antrim ...	JAN. 2	MAR. 30	JUNE 8	OCT. 14	Letterkenny ...	JAN. 12	APR. 6	JUNE 8	OCT. 11
Lisburn ...	" 4	" 31	" 9	" 15	Buncrana ...	" 19	—	—	" 1
Belfast ...	" 5	APR. 9	" 10	" 19	Lifford ...	" 22	APR. 13	JUNE 18	" 18
Larne ...	—	MAR. 27	—	" 13	Glenties ...	—	MAR. 30	—	—
Ballymoney ...	JAN. 27	APR. 17	JUNE 23	" 27	Carndonagh ...	—	—	JUNE 15	—
Ballymena ...	" 29	" 20	" 25	" 29					
BOROUGH OF BELFAST—					DOWN—				
Belfast ...	JAN. 11	APR. 16	JUNE 18	SEP. 10	Newry ...	JAN. 5	MAR. 23	JUNE 1	OCT. 5
" ...	FEB. 2	MAY 4	—	OCT. 27	Banbridge ...	" 11	" 29	" 7	" 11
" ...	" 23	" 20	—	Nov. 19	Downpatrick ...	" 16	APR. 7	" 12	" 16
					Newtownards ...	" 21	" 12	" 17	" 21
					Lisburn ...	" 4	MAR. 1	" 9	" 15
ARMAGH—					DUBLIN—				
Lurgan ...	JAN. 22	APR. 7	JUNE 14	OCT. 21	Swords ...	—	—	JUNE 19	—
Portadown ...	" 26	—	" 17	—	Balbriggan ...	—	MAR. 6	—	OCT. 2
Ballybot ...	" 18	MAR. 30	" 9	OCT. 15	Kingstown ...	JAN. 16	APR. 17	JUNE 26	" 9
Markethill ...	" 29	APR. 12	" 21	" 26					
N'townhamil-	—	—	" 23	—	BOROUGH OF DUBLIN AND KILMAINHAM DIVISION—				
Armagh (ton	FEB. 1	APR. 14	" 24	OCT. 28	Dublin ...	JAN. 1	APR. 6	JULY 1	OCT. 26
					" ...	FEB. 1	MAY 3	—	Nov. 9
					" ...	MAR. 1	JUNE 1	*SEP. 30	Dec. 1
								(* City only)	
CARLOW—					FERMANAGH—				
Bagnalstown	FEB. 2	APR. 13	JUNE 8	OCT. 19	Newtown-				
Carlow ...	" 3	" 14	" 9	" 20	butler ...	JAN. 23	APR. 15	JUNE 17	Nov. 5
Tullow ...	" 5	" 16	" 11	" 22	Enniskillen ...	" 26	" 17	" 21	" 8
CAVAN—					GALWAY—				
Bailieborough	JAN. 2	MAR. 9	MAY 8	SEP. 18	Loughrea ...	JAN. 6	—	JUNE 2	—
Cootehill ...	" 6	" 12	" 12	" 22	Tuam ...	" 11	MAR. 29	" 7	OCT. 4
Cavan ...	" 9	" 15	" 15	" 25	Oughterard ...	" 21	—	" 17	—
Ballyconnell ...	" 18	" 25	" 25	OCT. 7	Gort ...	" 18	APR. 10	" 14	OCT. 8
					Galway ...	" 26	" 21	" 23	" 19
					Portumna ...	—	MAR. 23	—	SEP. 28
					Ballinasloe ...	—	" 24	—	" 29
					Clifden ...	—	APR. 15	—	OCT. 13
CLARE—					KERRY—				
Killaloe ...	JAN. 6	—	MAY 19	—	Listowel ...	JAN. 6	MAR. 23	MAY 26	SEP. 23
Ennistymon ...	" 7	MAR. 19	" 20	OCT. 1	Caherciveen ...	" 26	—	JUNE 14	OCT. 15
Kilrush ...	" 11	" 22	" 26	" 4	Kenmare ...	" 22	—	" 10	" 12
Ennis ...	" 19	APR. 7	JUNE 2	" 12	Killarney ...	" 13	APR. 7	" 1	" 1
Tulla ...	—	MAR. 18	—	SEP. 29	Tralee ...	" 30	" 19	" 19	" 23
					Dingle ...	—	" 16	—	" 21
CORK—					KILDARE—				
Cork ...	JAN. 12	MAR. 24	MAY 26	OCT. 20	Naas ...	JAN. 26	APR. 6	JUNE 1	OCT. 11
Kinsale ...	—	—	JUNE 4	—	Athy ...	" 29	—	" 4	—
Youghal ...	FEB. 1	—	" 16	—	Kildare ...	—	APR. 9	—	OCT. 15
Fermoy ...	JAN. 25	APR. 26	" 7	Nov. 9					
Middleton ...	—	" 12	—	" 2	KILKENNY—				
Kanturk ...	FEB. 4	—	JUNE 21	—	Thomastown	JAN. 6	APR. 1	JUNE 16	SEP. 29
Mallow ...	—	APR. 16	—	OCT. 11	Kilkenny ...	" 12	" 7	" 23	OCT. 5
Macroom ...	JAN. 5	" 7	JUNE 8	SEP. 29	Callan ...	" 11	—	" 21	—
Bandon ...	" 12	" 14	—	OCT. 6	Piltown ...	—	MAR. 31	—	SEP. 28
Clonakilty ...	—	—	JUNE 15	—					
Bantry ...	JAN. 21	—	" 23	—					
Skibbereen ...	—	APR. 22	—	OCT. 15					
BOROUGH OF CORK—									
Ct. of Record	FEB. 15	APR. 30	JUNE 14	SEP. 27					
	—	—	JULY 5	Nov. 15					
DONEGAL—									
Ballyshannon	JAN. 1	—	MAY 28	—					
Donegal ...	" 5	MAR. 23	JUNE 1	OCT. 4					

County and Sessions Town	Hilary	Easter	Trinity	Michaelmas	County and Sessions Town	Hilary	Easter	Trinity	Michaelmas
KING'S CO.—					Queen's—con.				
Birr ...	JAN. 5	MAR. 16	MAY 18	OCT. 5	Borris-in-Ossory ...	—	APR. 14	—	OCT. 11
Tullamore ...	" 12	" 23	" 25	" 12	Mountmellick ...	—	" 15	—	" 12
					Stradbally ...	—	" 10	—	" 8
LEITRIM—					ROSCOMMON—				
Manorhamilton	JAN. 26	APR. 13	JUNE 2	OCT. 22	Roscommon	JAN. 6	MAR. 16	MAY 18	SEP. 27
Carrick-on-Shannon ...	" 20	" 1	MAY 27	" 16	Castlerea ...	" 12	" 20	" 21	OCT. 1
Ballinamore ...	—	MAR. 27	—	" 9	Strokestown ...	" 16	—	" 27	—
					Boyle ...	" 21	MAR. 26	JUNE 1	OCT. 7
LIMERICK—					Athlone ...	—	" 13	—	SEP. 23
Limerick ...	JAN. 8	MAR. 26	JUNE 2	OCT. 1	SLIGO—				
Newcastle ...	" 19	APR. 9	" 11	" 14	Ballymote ...	JAN. 28	APR. 1	JUNE 8	OCT. 15
Rathkeale ...	" 23	" 12	" 16	" 18	Tubbercurry	FEB. 1	—	" 10	—
Bruff ...	—	" 17	—	" 23	Sligo ...	" 3	APR. 8	" 14	OCT. 19
					Easkey ...	—	" 16	—	SEP. 13
LONDON-DERRY—					TIPPERARY—				
Londonderry	JAN. 11	APR. 9	JUNE 3	OCT. 11	Roscrea ...	JAN. 5	—	JUNE 1	—
Limavady ...	" 16	" 15	" 9	" 16	Nenagh ...	" 6	MAR. 23	" 2	OCT. 5
Coleraine ...	" 20	" 19	" 12	" 20	Thurles ...	" 12	" 30	" 8	" 12
Magherafelt ...	" 26	" 24	" 18	" 26	Carrick-on-Suir ...	—	—	—	" 19
					Clonmel ...	JAN. 19	APR. 6	JUNE 15	" 20
BOROUGH OF L'DERRY—					Tipperary ...	" 26	" 13	" 22	" 26
Londonderry	JAN. 7	APR. 7	JUNE 1	OCT. 7	Cashel ...	" 29	—	" 25	—
" ...	FEB. 4	MAY 1	SEP. 18	Nov. 5	TYRONE—				
					Cookstown ...	JAN. 7	MAR. 18	MAY 27	SEP. 30
LONGFORD—					Dungannon ...	" 11	" 22	" 31	OCT. 4
Ballymahon	JAN. 26	APR. 9	JUNE 8	OCT. 26	Strabane ...	" 18	" 29	JUNE 7	" 11
Lynchfield ...	" 27	" 12	" 10	" 28	Clogher ...	" 25	APR. 6	" 14	" 18
Granard ...	—	" 10	" 9	" 27	Omagh ...	" 27	" 8	" 16	" 20
					WATERFORD--				
LOUTH—					Lismore ...	—	MAR. 23	JUNE 8	SEP. 17
Drogheda ...	JAN. 5	MAR. 19	MAY 28	OCT. 1	Dungarvan ...	—	" 25	" 10	" 20
Dundalk ...	" 8	" 22	JUNE 1	" 5	Waterford ...	JAN. 2	" 27	" 12	" 23
Ardee ...	" 16	" 29	" 8	" 14	Carrickbeg (in Carrick-on-Suir Court-house) ...	—	—	—	" 27
					WEST-MEATH—				
MAYO—					Athlone ...	JAN. 18	—	MAY 31	—
Westport ...	JAN. 12	—	MAY 26	—	Mullingar ...	" 20	MAR. 31	JUNE 2	OCT. 20
Castlebar ...	—	APR. 8	—	OCT. 26	Moate ...	—	" 29	—	" 18
Claremorris ...	FEB. 1	—	JUNE 16	—	WEXFORD—				
Ballina ...	JAN. 20	APR. 14	" 4	OCT. 8	Gorey ...	JAN. 19	—	MAY 26	—
Swinford ...	" 26	MAR. 23	" 10	" 14	Wexford ...	" 21	—	" 28	—
Ballinrobe ...	—	" 29	—	" 20	Enniscorthy ...	—	MAR. 23	—	OCT. 5
Belmullet ...	—	APR. 21	—	" 5	New Ross ...	—	" 25	—	" 7
					WICKLOW—				
MEATH—					Baltinglass ...	JAN. 7	MAR. 11	MAY 14	SEP. 23
Navan ...	FEB. 4	—	JUNE 18	—	Bray ...	" 11	—	—	—
Trim ...	" 8	APR. 26	" 22	Nov. 12	Wicklow ...	" 13	MAR. 18	MAY 20	SEP. 29
Kells ...	—	" 20	—	" 6	Tinahely ...	—	" 15	—	" 27
					Arklow ...	—	—	MAY 17	—
MONAGHAN—									
Carrickmacross	JAN. 8	MAR. 26	JUNE 2	OCT. 19					
Castleblayney	" 7	" 25	" 1	" 21					
Clones ...	" 15	APR. 7	" 9	" 28					
Monaghan ...	" 16	" 8	" 10	" 29					
QUEEN'S—									
Carlow Graigue	JAN. 15	APR. 10	JUNE 26	OCT. 8					
Abbeyleix ...	" 18	" 16	" 28	" 13					
Maryborough	" 20	" 19	" 29	" 15					

**NATIONAL INCOME TAX
RECOVERY AGENCY,
4 COLLEGE GREEN, DUBLIN.**

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

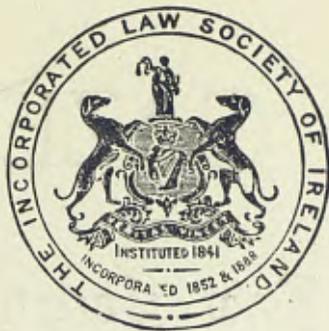
Tax on Bank Interest Recovered.

Fixed Terms.

No Elastic Arrangements.

R. C. BARBOR, Manager.

***N.B.—Over thirty years' experience in the
Public Service***



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 8.]

February, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	84
Council Meetings	85
Committee Meetings	85
Legal Appointment	85
Commissioner to Administer Oaths	85
Obituary	85
New Members	86
Calendar of the Incorporated Law Society, 1915	86
Intermediate Examination	86
Recent Decisions affecting Solicitors— <i>A. H. Stickney v. E. Keeble and Others</i>	87
New Solicitors	87
Results of Examinations	87
Dates of Spring Assizes, 1915	88

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 8.]

February, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

January 13th.

Workmen's Compensation Act.

The attention of the Council having been drawn by a country member to the question as to the proper remuneration to be paid to a County Court Judge's Registrar for copies of the Judge's notes in Workmen's Compensation Act cases, the matter was referred to the County Courts Committee.

The following report from the Committee upon the question was submitted and adopted:—

“ The Committee are of opinion, having regard to Rule 31 (Duty of Judge as to taking notes) and to Rule 58 (Application of County Court Equity Scale to proceedings under Workmen's Compensation Act) of the Rules dated 3rd July, 1908, made under the Workmen's Compensation Act, 1906, by the Lord Chancellor and County Court Judges of Ireland, that the proper charge for making and furnishing a copy of the Judge's notes in Workmen's Compensation Act cases, including the obtaining of the Judge's signature thereto, is the sum of two pence per folio of seventy-two words, being the fee provided under ‘ Miscellaneous Fees ’ in County Court equity proceedings for making copies.”

The Council were informed that the Judge in whose Court the question arose, had decided the question, and that he had come to a conclusion similar to that of the Committee.

Courts (Emergency Powers) Act, 1914.

The opinion of Counsel was submitted, advising that upon the hearing of a summons under the Courts (Emergency Powers) Act, 1914, for leave to issue execution, the Court has no power, in the absence of consent, to order the registration of a judgment, which has been regularly entered, to be vacated.

Four Courts Stamp Office.

A letter was read from the Secretary of the Law Clerks' Society drawing attention to delays experienced in having documents stamped at the Four Courts Stamp Office. The President undertook to inquire into the matter.

Certificates.

Applications by three Solicitors for renewals of their certificates were considered, and orders were made.

January 27th.

The late Captain Roche.

The Council learnt with much regret of the death of Captain and Flight Commander Roche, son of Sir George Roche, while engaged on active service with the British Expeditionary Force in France. It was resolved that a letter be written to Sir George Roche, expressing to him the sympathy of the Council in his bereavement.

Lord Justice Ronan.

It was resolved that a letter be written to Lord Justice Ronan, conveying to him the congratulations of the Council on his elevation to the Bench.

Resident Magistracy.

The Council passed a resolution protesting against the appointment, announced in the Press that day, to the office of Resident Magistrate of a gentleman, without any previous legal training, notwithstanding both the repeated resolutions of the Council urging the claims of the Solicitors' profession, and the statement on the subject submitted to the Lord Lieutenant by a deputation from the Council last November, and to which His Excellency's attention was drawn by letter from the Council on the 14th January, with a request that it should be considered when filling then existing vacancies. It was ordered that a copy of the resolution be sent to the Under Secretary for Ireland for submission to the Lord Lieutenant.

Special General Meeting.

A requisition, signed by twenty-seven members of the Society, requesting the Council to summon a Special General Meeting to consider a resolution on the subject of the practice in the High Court, and some of the Recorders' and County Courts, of measuring costs. It was resolved that in compliance with the requisition, a Special General Meeting be summoned for Friday, 12th February, at two o'clock p.m.

Four Courts Stamp Office.

The President stated that as a result of his inquiries he learnt that a member of the staff of the Four Courts Stamp Office had in December joined His Majesty's Forces, which accounted for delays in the office, but that arrangements had been since made for the attendance for two hours daily of an assistant from the Custom House to help at the work at the Four Courts Office, and as a result the delays complained of had ceased.

Court of Examiners.

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

Council Meetings.

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

February 10th and 24th.
March 10th and 24th.

Committee Meetings.

THE following Committee Meetings were held during January:—

Legal Appointments, 14th.
Gazette, 18th.
Costs, 19th.
Court of Examiners, 25th.
County Courts and Parliamentary, 26th.

Legal Appointment.

MR. STEPHEN J. BROWN, Solicitor, of Naas, has been appointed to the office of Crown and Sessional Crown Solicitor for the County of Kildare, in room of Mr. W. J. Grove White, resigned.

Commissioner to Administer Oaths.

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

George C. North, Clerk of Petty Sessions,
Killeshandra, Co. Cavan.

Obituary.

MR. FREDERICK McWILLIAM, Solicitor, died upon the 9th December, 1914.

Mr. McWilliam served his apprenticeship with the late Mr. Hugh Glass, Solicitor, Banbridge, was admitted in Hilary Sittings, 1885, and practised at Banbridge.

MR. JOSEPH MACAULAY, Solicitor, died upon the 3rd January, 1915, at his residence, 114 Malone Avenue, Belfast.

Mr. Macaulay served his apprenticeship with the late Mr. Peter Macaulay, Belfast, was admitted in Hilary Sittings, 1879, and practised at Belfast.

MR. PATRICK J. HURLEY, Solicitor, died upon the 10th January, 1915, at his residence, Rockmount, Drimoleague.

Mr. Hurley served his apprenticeship with the late Mr. Thomas Downes, Solicitor, Skibbereen, was admitted in Trinity Sittings, 1906, and practised at Skibbereen.

MR. RICHARD W. ELGEE, Solicitor, died upon the 12th January, 1915, at his residence, The Cottage, Carcur Road, Wexford.

Mr. Elgee served his apprenticeship with the late Mr. Simon Little, Solicitor, Wexford, was admitted in Hilary Term, 1860, and practised in partnership with Mr. Richard W. Elgee, junior (under the style of Messrs. Little and Elgee), at Wexford.

MR. THOMAS STEPHENSON, Solicitor, died upon the 13th January, 1915, at Castle Street, Carrick-on-Suir.

Mr. Stephenson served his apprenticeship with the late Mr. Patrick J. Kenny, Solicitor, Waterford, was admitted in Hilary Sittings, 1889, and practised in partnership with the late Mr. Patrick J. Kenny (under the style of Messrs. Kenny and Stephenson), at Waterford and Carrick-on-Suir.

MR. EMOR HARTE, Solicitor, died upon the 26th January, 1915, at his residence, 123 Morehampton Road, Dublin.

Mr. Harte served his apprenticeship with the late Mr. Mark Toomey, Solicitor, 12 North Cumberland Street, Dublin, was admitted in Michaelmas Term, 1848, and practised at 33 Lower Gardiner Street, Dublin, up to the year 1872, when he retired.

SIR JOHN H. FRANKS, C.B., died upon the 27th January, 1915, at his residence, Jerpont, Sandycove, Co. Dublin.

Sir John Franks served his apprenticeship with the late Mr. Thomas Franks, Solicitor, 21 Lower Fitzwilliam Street, Dublin, was admitted in Trinity Term, 1873, and practised formerly at 11 Hume Street, Dublin,

and subsequently at 84 Merrion Square, Dublin, up to the year 1888, when he was appointed Secretary to the Irish Land Commission, which position he occupied up to the year 1910, when he retired.

MR. CLIFFORD B. LLOYD, Solicitor, died upon the 27th January, 1915, at his residence, Victoria Castle, Killiney, Co. Dublin.

Mr. Lloyd served his apprenticeship with the late Mr. John Ball, Solicitor, 11 Hume Street, Dublin, was admitted in Trinity Term, 1874, and practised at 33 Kildare Street, Dublin.

New Members.

THE following joined the Society during January, 1915 :—

Charles, David H., Cookstown.
 Cullen, John, 6 Bachelor's Walk, Dublin.
 Hannan, Patrick J., Longford.
 Lavery, Philip F. M., Armagh.
 McAllister, Thomas S., Ballymena.
 McCoy, Matthew D., Limerick.
 Norman, William J., 44 Fleet Street, Dublin.
 Quarry, George H., Belfast.
 Rosney, Patrick H., Cahirciveen.

Calendar of the Incorporated Law Society, 1915.

THE Calendar and Law Directory, published by the Society for 1915, can be obtained in the Secretary's Office, price three shillings, or by post three shillings and fourpence.

Intermediate Examination.

THE March Intermediate Examination for Apprentices will be held upon Tuesday, the second day of March, 1915. Notices should be lodged in the Secretary's Office on or before Wednesday, 17th February.

Recent Decisions affecting Solicitors.

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

HIGH COURT OF JUSTICE.**CHANCERY DIVISION (ENGLAND).****INTEREST ON COSTS.**

A. H. Stickney v. E. Keeble and Others.

(Before Mr. Justice Joyce.)

In this case Mr. Percy Wheeler made an application on behalf of the plaintiff that the defendants should be ordered to pay (*inter alia*) interest at the rate of 4 per cent. per annum on the plaintiff's costs of the appeal as from the date of the judgment of the Court of Appeal.

The application arose out of the judgment of the House of Lords delivered on December 11 last (reported [1915] W.N., 6). The House of Lords held that the decision of the Court of Appeal of March 14, 1913, should be reversed, and that the decision of Mr. Justice Joyce of December 2, 1912, in favour of the plaintiff should be restored, and it was further ordered that the defendants should pay to the plaintiff the costs incurred by him in the Courts below.

Mr. Wheeler said that according to the Annual Practice, p. 2,301, the order of the House of Lords must be made an order of the Court below, and that the plaintiff was entitled to the interest on his costs in the Court of Appeal from the date of the judgment—*Macbeth and Co. (Limited) v. Maritime Insurance Company (Limited)* ([1908], 24 *The Times Law Reports*, 559).

Mr. Sheldon, for the defendants, said that the plaintiff's costs in the Court of Appeal had not been taxed, and that he was not entitled to interest thereon.

Mr. Justice Joyce said that this point had been settled according to the Annual Practice, *supra*, and, if not, then he would settle it. The defendants must pay interest on the plaintiff's costs from the date of the judgment of the Court of Appeal.

(From *The Times* of 10th February, 1915).
(Reported [1915] W.N., 72.)

New Solicitors.**ADMISSIONS DURING JANUARY, 1915.**

Name	Served Apprenticeship to
Boyd, John	John Bristow, Belfast.
Browne, James C. ...	Thomas Elliott, Strabane.
Cotton, Thos. Dawson	Martin H. Turnbull, Belfast.
Cullen, John	George P. Cussen, Dublin.
Forde, John	James A. Kiernan, Ballinamore.
Keery, William John ...	James Robinson, Dublin.
Lynch, George	T. J. Hunt, Ennis.
Mathews, Sydney ...	James C. Taylor, Belfast.
Norman, William John	Francis Clinch, Dublin.
O'Doherty, Hugh C. F.	Hugh C. O'Doherty, Londonderry.
O'Doherty, James ...	Hugh C. O'Doherty, Londonderry.
Osborne, Robert A. ...	Stephen J. Brown, Naas.

Results of Examinations.**PRELIMINARY EXAMINATION.**

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

1. David D. MacDonald.
2. Donald L. Ross.
3. Hubert P. D. Walsh.

James Reilly has passed the modified Preliminary Examination, for which he had liberty to present himself.

The remaining candidates were postponed.

Seven attended : four passed ; three were postponed.

FINAL EXAMINATION.

At the Final Examination, held upon the 4th, 5th and 6th days of January, the following passed the examination, and their names are arranged in order of merit :—

1. Robert A. Macaulay.
2. Arthur C. J. Cox, B.A., N.U.I.
3. Robert S. Magee.
4. Alfred V. G. Thornton.
5. Charles A. Cooke.
6. John J. Keenan.
7. Rupert W. Oulton, B.A., T.C.D.
8. John M. S. White.
9. Terence Byrne.

The Council awarded a Gold Medal to Robert A. Macaulay, a Silver Medal to

Arthur C. J. Cox, and a Special Certificate to Robert S. Magee.

The remaining candidates were postponed.

Fourteen attended : nine passed ; five were postponed.

Dates of Spring Assizes, 1915.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, Saturday, February 27th, at 11.30 a.m.

Co. Louth.—At Dundalk, Monday, March 1st, at 11 a.m.

Co. Monaghan.—At Monaghan, Wednesday, March 3rd, at 11 a.m.

Co. Armagh.—At Armagh, Friday, March 5th, at 11 a.m.

Co. Down.—At Downpatrick, Monday, March 8th, at 12 noon.

Co. Antrim.—At Belfast, Thursday, March 11th, at 12 noon.

Co. of the City of Belfast.—At Belfast, Saturday, March 13th, at 10.30 a.m.

Judges.—The Hon. Mr. Justice Boyd and The Right Hon. Mr. Justice Molony.

Registrars.—Mr. Robert T. F. Greene, 61 Middle Abbey Street, Dublin ; and Mr. Wm. T. Sheridan, 1 Elgin Road, County Dublin.

NOTE.—County Antrim appeals will be taken up in the City Court immediately after the opening of the County Commission. City of Belfast appeals will be taken in the Record Court at the opening of the City Commission, or after the termination of any county business then undisposed.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, March 1st, at 11.30 o'clock.

Co. Longford.—At Longford, March 2nd, at 11 o'clock.

Co. Cavan.—At Cavan, March 4th, at 11 o'clock.

Co. Fermanagh.—At Enniskillen, March 6th, at 11 o'clock.

Co. Tyrone.—At Omagh, March 9th, at 11 o'clock.

Co. Donegal.—At Lifford, March 12th, at 11 o'clock.

Co. Londonderry.—At Derry, March 15th, at 11.30 o'clock.

Co. of the City of Londonderry.—At Derry, March 16th, at 10.30 o'clock.

Judges.—The Lord Chief Justice and Mr. Justice Gibson.

Registrars.—Mr. J. Briscoe Cherry, 2 Ardenza Terrace, Monkstown, Co. Dublin ; and Mr. F. C. Martley, 38 Fitzwilliam Place, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, March 1st, at 12.15 o'clock.

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

Co. Waterford.—At Waterford, March 4th, at 12 o'clock.

Co. Tipperary (South Riding).—At Clonmel, March 6th, at 11 o'clock.

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

Queen's Co.—At Maryborough, March 10th, at 11 o'clock.

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

Co. Carlow.—At Carlow, March 13th, at 11.30 o'clock.

Co. Kildare.—At Naas, March 15th, at 11 o'clock.

Judges.—Mr. Justice Madden and Mr. Justice Dodd.

Registrars.—Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin ; and Mr. Huston Dodd, 94 Marlborough Road, Donnybrook.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Tuesday, 2nd March, at 11 a.m.

Co. Limerick.—At Limerick, Friday, 5th March, at 11 a.m.

Co. of the City of Limerick.—At Limerick, Friday, 5th March, at 11 a.m.

Co. Kerry.—At Tralee, Thursday, 11th March, at 11 a.m.

Co. Cork.—At Cork, Thursday, 18th March, at 11 a.m.

Co. of the City of Cork.—At Cork, Saturday, 20th March, at 10.30 a.m.

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

Registrars.—Mr. Francis Kennedy, Marino Park, Blackrock, County Dublin; and Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

CONNAUGHT CIRCUIT.

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

Co. Leitrim.—Carrick-on-Shannon, Friday, March 5th, at 2 p.m.

Co. Sligo.—At Sligo, Tuesday, March 9th, at 12 o'clock.

Co. Roscommon.—At Roscommon, Friday, March 12th, at 11 o'clock.

Co. Mayo.—At Castlebar, Tuesday, March 16th, at 11 o'clock.

Co. Galway.—At Galway, Monday, March 22nd, at 12 o'clock.

Judges.—Lord Justice Moriarty and Lord Justice Ronan.

Registrars.—Mr. D. J. O'Reilly, 47 St. Stephen's Green; Mr. W. B. Ronan, 45 Fitzwilliam Square, Dublin.

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

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

**NATIONAL INCOME TAX
RECOVERY AGENCY,
4 COLLEGE GREEN, DUBLIN.**

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

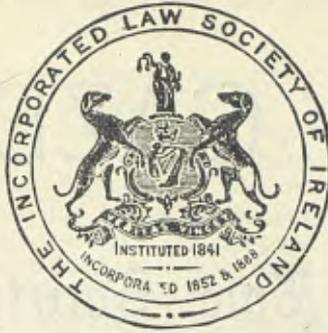
Tax on Bank Interest Recovered.

Fixed Terms.

No Elastic Arrangements.

R. C. BARBOR, Manager.

*N.B.—Over thirty years' experience in the
Public Service*



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 9.]

March, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Special General Meeting	92.
Meetings of the Council	94
Council Meetings	94
Committee Meetings	94
New Members	95
Legal Appointments	95
Commissioners to Administer Oaths	95
Obituary	95
Calendar of the Incorporated Law Society, 1915	96
Land Registry	96
Advertising by Solicitors	96
Recent Decisions affecting Solicitors— <i>Watson & Co. (Belfast) v. Joyce</i>	97
New Solicitors	97

awarded costs measured at three or four guineas he had to pay more in costs than the person who lost, and whom the Court thought it was penalising. It was very objectionable for a Solicitor to have to furnish a successful client with a bill for more than the Court had fixed as the costs payable by the unsuccessful litigant. In his opinion, the costs should never be measured, save on the application of the successful party, or where the Judge assigned special reason.

The resolution was unanimously adopted, and the meeting concluded.

Meetings of the Council.

February 10th.

The late Captain Roche.

A letter was read from Sir George Roche thanking the Council for their resolution of sympathy on the occasion of the death of his son, Captain and Flight Commander Roche while engaged on active service with the British Expeditionary Force in France.

Lord Justice Ronan.

A letter was read from Lord Justice Ronan thanking the Council for their congratulations on his elevation to the Bench.

Advertising by Solicitors.

A report was submitted from the Privileges Committee in reference to the practice of Solicitors advertising in Legal Directories their names, addresses, particulars of positions held by them, and names of Companies for whom they act. The Committee recommended the Council to re-affirm the resolutions passed by the Council in 1909 on this subject, and the Council adopted the recommendation and re-affirmed the resolutions, which appear in this GAZETTE.

Certificates.

Applications by five Solicitors for their Certificates were considered, and orders were made in the five cases.

February 24th.

Costs Committee.

A report from the Costs Committee upon a query submitted for decision was adopted. The query was as to the liability of a lessee

to pay (in addition to the scale costs of the lessor's Solicitor for preparing lease and counterpart), the costs of lessor's Solicitor of two endorsements upon the lease and counterpart, which altered the covenants by the lessee contained in the lease, and were made at his request and after the lease and counterpart were engrossed. The Committee decided that the lessee was liable to pay for the preparation and engrossment of the endorsements, but not for the witnessing of their execution as this was done at the same time as the lease and counterpart were executed.

Special General Meeting.

A letter was read from the Lord Chief Justice acknowledging the receipt of the resolution passed at the Special General Meeting on the 12th inst., in reference to the measurement of costs, and stating that the resolution would have his careful attention. Letters were also read from His Honor Judge Barry, His Honor Judge Moore, and His Honor Judge C. F. Doyle, acknowledging receipt of the resolution, and stating that they do not measure costs except with the consent of the parties interested, and that the measurement of witnesses expenses by the Judge at the time of the pronouncing of the decree is required by the County Court rules.

Council Meetings.

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

March 10th and 24th.
April 14th and 28th.

Committee Meetings.

THE following Committee Meetings were held during February:—

Costs, 2nd and 17th.
Privileges, 5th.
County Courts, 11th and 18th.
Gazette, 12th.
Court of Examiners, 18th.
House, Library, and Finance, 19th.

New Members.

THE following joined the Society during February, 1915 :—

Hearn, William F., New Ross.
 Howe, Ivan A., 19 Eustace St., Dublin.
 Little, Patrick J., 22 Eustace St., Dublin.
 Walkington, George B., Belfast.

Legal Appointments.

THE honour of Knighthood has been conferred upon Mr. William Fry, of the firm of Messrs. William Fry and Sons, 14 Lower Mount Street, Dublin.

Mr. Fry was a member of the Council from 1885-1912, and was President of the Society in 1895-96.

Mr. Frederick S. D. de V. White has been appointed Solicitor to the Midland Great Western Railway Company of Ireland.

Mr. Louis Meldon, Solicitor, 14 Upper Ormond Quay, Dublin, has been appointed a Commissioner to Administer Oaths for the Province of Alberta, Canada.

Commissioners to Administer Oaths.

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

Andrew C. Leitch, Solicitor, Omagh, Co. Tyrone.
 Thomas A. Curry, Clerk of Petty Sessions, Swanlinbar, Co. Cavan.
 William J. Cunningham, Solicitor's Assistant, Galway.

Obituary.

MR. WILLIAM R. MOONEY, Solicitor, died upon the 20th January, 1915, at Salisbury, Rhodesia, British South Africa.

Mr. Mooney served his apprenticeship with Mr. John L. Scallan, 25 Suffolk Street, Dublin, was admitted in Trinity Sittings, 1898, and practised at Moate up to the year 1900, when he went to South Africa.

MR. THOMAS MCC. WINDLE, Solicitor, died upon the 4th February, 1915, at Tarbert, County Kerry.

Mr. Windle served his apprenticeship with his father, the late Mr. James F. Windle, Tarbert, was admitted in Hilary Sittings, 1885, and practised at Tarbert.

MR. WILLIAM DILLON, Solicitor, died upon the 10th February, 1915, at Dublin.

Mr. Dillon served his apprenticeship with his uncle, the late Mr. Valentine B. Dillon, 12 Saint Andrew Street, Dublin, was admitted in Trinity Sittings, 1903, and practised formerly at 12 St. Andrew Street, and latterly at 24 St. Andrew Street, Dublin.

MR. RICHARD A. EATON, Solicitor, died upon the 11th February, 1915, at his residence, Maryville, Blackrock, County Dublin.

Mr. Eaton served his apprenticeship with the late Mr. John B. Eaton, Fleet Street, Dublin, was admitted in Hilary Sittings, 1881, and practised formerly at 12 Molesworth Street, Dublin, and subsequently at Roscrea, up to the year 1895, when he retired.

MR. WILLIAM B. GALWAY, Solicitor, died upon the 14th February, 1915, at his residence, St. Clair, Ormeau Road, Belfast.

Mr. Galway served his apprenticeship with the late Mr. William Carson, Belfast, was admitted in Hilary Sittings, 1883, and practised formerly in partnership with Mr. Walter P. Boas, Solicitor, and latterly in partnership with Mr. Joseph McIlwaine (under the style of Messrs. Galway and McIlwaine), at Whitehall Buildings, Belfast.

MR. WILLIAM R. C. RICHARDSON, Solicitor, died upon the 25th February, 1915, at his residence, St. Margaret's, Glenageary, County Dublin.

Mr. Richardson served his apprenticeship with the late Mr. Robert Crookshank, Coleraine, was admitted in Michaelmas Term, 1873, and practised in partnership with Mr. Henry J. Synnott (under the style of Messrs. Richardson and Synnott), at 31 Kildare Street, Dublin.

Calendar of the Incorporated Law Society, 1915.

THE Calendar and Law Directory, published by the Society for 1915, can be obtained in the Secretary's Office, price three shillings, or by post three shillings and fourpence.

Land Registry.

THE following correspondence deals with the practice relating to the obtaining of copies of folios :—

The Incorporated Law Society of Ireland,
Solicitors' Buildings, Four Courts,
Dublin, 6th February, 1915.

Dear Sir,

Would you oblige me by letting me know, for the information of the Council of this Society, whether copies of folios can be obtained either in the Local Office or in the Central Office, at the option of the party bespeaking, and whether there has been any recent change in the practice in this matter?

Faithfully yours,

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

Raymond Smith, Esq.,
Chief Clerk,
Land Registry,
Four Courts, Dublin.

Land Registry of Ireland,
Central Office,
Four Courts,
Dublin, 9th February, 1915.
Copy Folios.

Dear Sir,

I am in receipt of your letter of the 6th inst., asking whether there has been any recent change in the practice of bespeaking copies of folios in the Local or Central Office of the Land Registry at the option of the party bespeaking such copies.

In reply, I am directed by the Registrar to state, for the information of your Council, that the matter stands as follows :—

Evidence of title to registered land can be shown by the production of—

- (1) The Central Office or Local Office Folio.
- (2) The Land Certificate.
- (3) A Sealed Copy of (a) the Central Office Folio; or (b) the Local Office Folio.

The Land Certificate in any title can be issued only to the owner, or his or her Solicitor, and is bespoken at and issued by the Central Office only, although it bears the countersignature of the Local Registrar and the seal of the Local Office. Where an annuity is payable, the original Land Certificate is deposited by us in the Irish Land Commission, which Department issues to the person bespeaking the Certificate a paper certified copy thereof.

A Sealed Copy Folio can be bespoken by and issued to anyone interested, and any number of copies of the same Folio can be issued. These copies can be obtained either at the proper Local Office or at the Central Office of the Land Registry, at the option of the person bespeaking the copy.

Experience has proved that there is little or no advantage in retaining both forms of the evidence of title to registered land, and for many reasons it has been found preferable to suggest that this evidence should in all cases take the form of a sealed copy folio, to be bespoken either at the Local Office or at the Central Office at the option of the person bespeaking it.

The answer to the query contained in your letter is, therefore, in the negative.

Yours faithfully,
(Signed), RAYMOND SMITH,
Chief Clerk.

W. G. Wakely, Esq., Secretary,
The Incorporated Law Society of Ireland,
Solicitors' Buildings,
Four Courts, Dublin.

Advertising by Solicitors.

THE following Resolutions were adopted by the Council in 1909 in reference to advertising by Solicitors, and the Council re-affirmed these Resolutions on the 10th February, 1915 :—

RESOLVED—

- " (1) That, in the opinion of the Council, advertising by Solicitors is objectionable and unprofessional.
- " (2) That the insertion by a Solicitor of his name in a Directory, or list of Solicitors is not advertising, provided such insertion be confined to an announcement of the Solicitor's name, address, degrees, public appointments, and membership or position in this Society.

- “(3) That the sending of letters, circulars or circular letters by a Solicitor to persons other than their clients, offering to do business, is unprofessional.
 “(4) That the sending of lists of Sessions to clients or to members of the Solicitors’ Profession is not unprofessional.”

Recent Decision affecting Solicitors.

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

HIGH COURT OF JUSTICE.

KING’S BENCH DIVISION.

Costs under Courts (Emergency Powers) Act, 1914.

Watson and Co. (Belfast) v. Joyce.

(Before Gibson, Kenny, and Molony, J.J.)
 THIS was an appeal brought at the request of the Council of the Society, to the Divisional Court from an order of Mr. Justice Boyd refusing costs against the Defendant on a summons brought for liberty to issue execution under the Courts (Emergency Powers) Act in respect of a judgment for £42 obtained against the defendant, who did not appear. The Judge had refused to allow costs, stating that he did so in accordance with the practice settled by the Judges not to allow plaintiffs any costs of such summonses as against defendants. It was contended on behalf of the plaintiff that the Judge had acted on a wrong principle in so refusing to allow costs.

Mr. Justice Gibson, in giving judgment, said that hitherto the practice the Judges had acted upon was the view that the legislation being founded on a financial crisis arising out of the calamity of the war, the extra expense resulting from the statutory protection might fairly in ordinary circumstances be treated as a loss, to be borne by the creditor where the defendant did not appear, and thus got no benefit from the statute. It was contended on behalf of the plaintiffs that the costs of any new procedure required to enforce a judgment should be paid by the debtor, whose non-payment of the judgment, in respect of which he could not, or did not, claim the statutory protection, made the summons necessary. This contention, in the

opinion of the Court, was of much weight. In England it was the practice to allow costs in such cases—a fixed sum, applicable to normal cases, having been settled, so as to save taxation. The Court, having regard to the English practice and the rules under the statute, was of opinion that in the type of case before them costs should be allowed, subject, of course, to the Irish Judicature Rules regulating and limiting costs. The practice in future, therefore, would be to allow, as the case might be, in default of appearance full costs at the rate of £1 10s., and half costs at the rate of 15s. These costs did not contemplate the employment of Counsel, nor was it intended to restrict the discretion of the Judge when he might think fit in the particular circumstances to refuse or increase costs as the case might be.

New Solicitors.

ADMISSIONS DURING FEBRUARY, 1915.

<i>Name</i>	<i>Served Apprenticeship to</i>
Cox, Arthur C. J.	Francis J Scallan, Dublin.
Keenan, John Joseph	Daniel X. Keenan, Monaghan.
Magee, Robert S.	William P. Moody, Strabane.
Stack, Robert E. Hilliard	Matthew J. Byrne, Lis-towel.

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

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

**NATIONAL INCOME TAX
RECOVERY AGENCY,
4 COLLEGE GREEN, DUBLIN.**

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

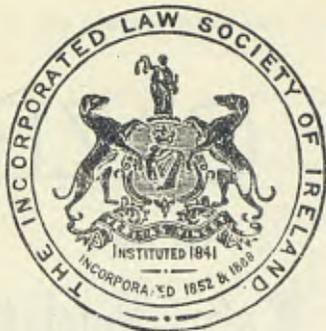
Tax on Bank Interest Recovered.

Fixed Terms.

No Elastic Arrangements.

R. C. BARBOR, Manager.

*N.B.— Over thirty years' experience in the
Public Service*



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 10.]

April, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	100
Council Meetings	101
Committee Meetings	101
Legal Appointment	101
Commissioners to Administer Oaths	101
Obituary	101
Roll of Honour	102
New Member	102
Calendar of the Incorporated Law Society, 1915	102
Recent Decisions affecting Solicitors—	
<i>Wilson and Best & Best</i>	102
<i>Nowlan v. Delaney</i>	102
<i>In re FitzGerald's Costs</i>	103
Solicitors, and Apprentices to Solicitors, serving in His Majesty's Forces ...	103
New Solicitors	105
Results of Intermediate Examination	105
Dates of Examinations	105
Irish Land Commission	105

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. VIII, No. 10.]

April, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

March 10th.

Death of Mr. Grove-White.

THE Council learnt with deep regret of the death of Mr. W. Grove-White, who for many years as Provincial Delegate for Leinster on the Council devoted much time to the work of the Society. It was resolved that a letter expressing the sympathy of the Council should be written to Mrs. Grove-White.

Sir William Fry.

It was resolved that the congratulations of the Council be conveyed to Sir William Fry, a past President of the Society, on the occasion of his receiving the honour of Knighthood.

Measuring of Costs.

A letter was read from His Honour Judge Green, K.C., acknowledging the resolution passed at the General Meeting of the Society in reference to the measuring of costs, and stating his readiness to comply with the views expressed in the resolution.

Applications by Law Clerks.

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

An application for a modified Preliminary Examination under Section 18 was considered, and it was decided that it be not opposed.

March 24th.

The late Mr. Grove-White.

A letter was read from Mrs. Grove-White thanking the Council for their resolution of sympathy on the occasion of the death of her husband.

The late Lieutenant Brendan Fottrell.

The Council learnt with deep regret of the death of Lieutenant Brendan J. Fottrell, Solicitor, of the Royal Irish Regiment, killed in action while serving with the British Expeditionary Force in France. It was resolved that a letter expressing the sympathy of the Council should be written to Mr. John G. Fottrell, father of Lieutenant Fottrell, and a past Vice-President of the Society.

Sir William Fry.

A letter was read in reply from Sir William Fry thanking the Council for their congratulations on his having received the honour of Knighthood.

Dublin Castle Hospital.

It was resolved that a supply of the Society's newspapers be sent each afternoon to Dublin Castle Red Cross Hospital.

Post Office Prosecutions.

A letter was read from a country member drawing attention to the new practice of summonses for malicious injury to telegraphs being brought in the name of the police, instead of the name of the Postmaster-General as heretofore, and the prosecutions

being now conducted by the police. A letter in reply was directed to be written pointing out that the Statutes governing the matter permit of the proceedings being brought in the name of the police.

Petty Sessions Proceedings.

A letter was read from a country member drawing attention to proceedings at Howth Petty Sessions by a Rate Collector against sixty-two defendants, for the recovery of rates. The Rate Collector, who was plaintiff, in person conducted his cases and obtained orders for payment, and at his request the Magistrates granted him ten shillings to be paid by defendant in each case, in addition to the amount of rates due; the ten shillings being in respect of expenses in case a seizure and sale were necessary to realise the amount of rates ordered to be paid. The Secretary was directed to apply for a copy of the summons and of the order in one of the cases so that the legality of the order might be considered.

Council Meetings.

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

April 14th and 28th.
May 12th.

Committee Meetings.

THE following Committee Meetings were held during March:—

Costs, 3rd.
House, Library, and Finance, 5th.
Gazette, 5th.
Court of Examiners, 8th and 19th.
Legal Appointments, 12th.
Land Acts, 15th.
Court and Officers, 16th.
Privileges, 22nd.
County Courts and Parliamentary, 26th.

Legal Appointment.

THE Secretary of State for the Colonies has appointed Mr. William M. Keatinge, Solicitor, 86 Merrion Square, Dublin, to be Administrator-General of Zanzibar. Mr. Keatinge has left for Zanzibar to take up the duties of his office.

Commissioners to Administer Oaths.

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

Patrick J. Callan, Solicitor, Dundalk.

Thomas Gracey, Assistant in the Office of the Clerk of the Crown and Peace, Downpatrick.

Obituary.

MR. WILLIAM J. GROVE-WHITE, Solicitor, died upon the 1st March, 1915, at his residence, 18 Elgin Road, Dublin.

Mr. White served his apprenticeship with his father the late Mr. Thomas Fell White, 53 Mountjoy Street, Dublin, and Mr. John MacSheehy, 13 Talbot Street, Dublin, was admitted in Trinity Term, 1874, and practised in partnership with Mr. R. Blair White and Mr. Gerald Grove White (under the style of Messrs. White and White), at 13 Upper Ormond Quay, Dublin, and at Naas, Co. Kildare.

In the year 1889 Mr. White was appointed Crown and Sessional Crown Solicitor for County Kildare, which offices he held until last year, when he retired.

Mr. White was Provincial Delegate for Leinster, on the Council of the Society, from 1889-1907.

MR. FREDERICK KENNEDY, Solicitor, died upon the 1st March, 1915, at his residence, Frescati, Blackrock, Co. Dublin.

Mr. Kennedy served his apprenticeship with the late Mr. George O'B. Kennedy, 21 York Street, Dublin, was admitted in Michaelmas Term, 1869, and practised in partnership with his son, Mr. George H. B. Kennedy (under the style of Messrs. Kennedy and Sons), at 4 Lower Ormond Quay, Dublin.

MR. JOSEPH CARROLL, Solicitor, died upon the 7th March, 1915.

Mr. Carroll served his apprenticeship with the late Mr. Henry B. Julian, 28 Bachelor's Walk, Dublin, was admitted in Hilary Sittings, 1891, and practised at Newry, County Down, up to the year 1910, when he was appointed Resident Magistrate for County Clare, from which office he retired, owing to ill-health, in the year 1912.

Roll of Honour.

LIEUTENANT BRENDAN J. FOTTRELL, Solicitor, of the 3rd Battalion, Royal Irish Regiment, was killed in action while serving with the British Expeditionary Force in France, on the 15th March, 1915.

Lieutenant Fottrell served his apprenticeship with Mr. Francis J. Fottrell, 46 Fleet Street, Dublin, was admitted in Michaelmas Sittings, 1908, and practised in partnership with his father, Mr. John G. Fottrell, and Mr. Francis J. Fottrell (under the style of Messrs. George D. Fottrell and Sons), at 46 Fleet Street, Dublin, and at Kells, County Meath.

New Member.

THE following joined the Society during March, 1915:—

O'Connell, John D., Tralee.

Calendar of the Incorporated Law Society, 1915.

THE Calendar and Law Directory, published by the Society for 1915, can be obtained in the Secretary's Office, price three shillings, or by post three shillings and fourpence.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION.

In re Solicitors Remuneration Act, 1881—Wilson and Best and Best.

(Before Barton, J.)

3rd March, 1915.—*Solicitors Remuneration Act—Solicitor acting for both vendor and purchaser.*

A Solicitor who acts for both vendor and purchaser, having done all the work necessary to be done for a purchaser in order to entitle him to the scale fee, is entitled to be paid by the purchaser the full scale fee.

This matter came before the Court on appeal from a decision of the Taxing Master.

Messrs. Best and Best, acting as Solicitors for the vendor on the sale of certain lands in Co. Armagh, sold them to Mr. James Wilson,

of Hockley Lodge, Co. Armagh. They also, at the request of Mr. Wilson, the purchaser, acted for him, and claimed the full scale fee payable to a purchaser's Solicitor under the Solicitors Remuneration Act, 1881. Mr. Wilson paid the amount, but later raised the point that Messrs. Best and Best were only entitled to charge him half fees, and to look to the vendor for the other half. Messrs. Best and Best returned his cheque, and sent him their bill of costs. The Taxing Master allowed the full scale fee claimed by Messrs. Best and Best, finding that the work necessary to be done by a purchaser's solicitor to entitle him to charge the scale fee prescribed by Schedule I., Part I. of the General Order made pursuant to the Solicitors Remuneration Act, 1881, had been done by them. Mr. Wilson appealed, and Mr. Justice Barton affirmed the decision of the Taxing Master, with costs.

CHANCERY DIVISION.

Nowlan v. Delaney.

(Before Barton, J.)

11th March, 1915.—*County Court Equity Suit. Mortgagee's costs—Measuring of costs by Judge.*

The County Court Judge having ordered payment of the costs of the plaintiff in an equity suit brought to raise the amount of a judgment mortgage, those costs should be referred for taxation, and not fixed against the desire of the plaintiff, at a sum measured by the Judge.

This was an appeal in a County Court equity suit brought to raise the amount of a judgment mortgage. The suit was concluded by an order of the Recorder of Dublin on 5th January last, directing the payment of the proceeds of a sale to the various parties entitled. The order measured the plaintiff's costs at a sum of £42, which was fixed by the Recorder, and from that part of the order the plaintiff appealed on the ground that he was entitled to have his costs referred to the Clerk of the Crown and Peace for taxation.

Mr. Justice Barton held that the plaintiff was entitled to have his costs taxed, and referred them for taxation to the Clerk of the Crown and Peace, and allowed the plaintiff his costs of the appeal.

CHANCERY DIVISION.

In re FitzGerald's Costs.

(Before Barton, J.)

18th March, 1915.—*Lands Clauses Acts—Compulsory acquisition of land under Housing of the Working Classes Acts—Purchasers' Solicitors' Costs—Solicitors' Remuneration Act, 1881, Schedule 1, Part I., Rule 11.*

In case of compulsory acquisition of land under the Lands Clauses Consolidation Act, the purchaser's solicitor is entitled to draw his costs under the old system by item.

This was an appeal by Messrs. D. and T. Fitzgerald, Solicitors for the Pembroke Urban District Council, in reference to the principle upon which their Bill as such Solicitors should be taxed. The costs were concerned with the compulsory acquisition of lands in the Pembroke Township under the Housing of the Working Classes Acts. Messrs. Fitzgerald prepared their bill of costs under the old system by items, and when the bill came before the Taxing Master for taxation he stated that the three Taxing Masters had come to the conclusion that the costs of the purchasers in all cases of compulsory acquisition of land under the Land Clauses Acts must be dealt with under the first schedule of the General Order under the Solicitors Remuneration Act, and that Rule 11 of Schedule 1, Part I, of the General Order applies only to vendors' Solicitor's costs, and he accordingly reduced the bill of costs by fixing the amount in the case of each lot acquired according to the scale under that schedule. From that decision Messrs. Fitzgerald appealed. It appeared that up to the present costs of this description had always been taxed outside the scale, and the Pembroke Urban Council raised no objection to the principle on which Messrs. Fitzgerald prepared their costs.

Mr. Justice Barton, in giving judgment, held that the case relied on by the Taxing Master *In re Stewart* (41 Ch. D., 494) did not apply in Ireland, and that in so far as the bill of costs in question related to sales under the Land Clauses Consolidation Act, the scale did not apply. His Lordship accordingly allowed the appeal, and gave the appellants their costs.

Solicitors, and Apprentices to Solicitors, serving in His Majesty's Forces.

THE following is a list of Irish Solicitors, and of Apprentices to Irish Solicitors, who are serving in His Majesty's forces.

Should the name of any Solicitor, or Apprentice, who is at present serving in His Majesty's forces be omitted from this list, or should there be any inaccuracy in the list, it is requested that information will be sent to the Secretary.

SOLICITORS.

- Atkinson, Thomas J., Captain, 9th Batt., Royal Irish Fusiliers.
 Ball, George J., Captain (attached), Royal Engineers.
 Barron, Louis, Lieut., 7th Batt., Border Regiment.
 Bridge, Wm. P., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Campbell, Joseph P. V., 2nd Lieut., Army Service Corps.
 Cox, Pierse J., Motor Despatch Rider, Royal Engineers.
 Craig, Charles C., M.P., Captain, 11th Batt., Royal Irish Rifles.
 Crozier, Fras. R. M., Captain, 6th Batt., Royal Irish Fusiliers.
 Cunningham, Frederick A., Captain, Royal Irish Rifles.
 Dunlea, Aloysius M., 2nd Lieut., 6th Batt., Royal Irish Regiment.
 Dunn, John V., Lieut., 7th Batt., Royal Munster Fusiliers.
 English, Robert D., Lieut., 8th Batt., Royal Dublin Fusiliers.
 Exham, Cecil H., 2nd Lieut., 4th Batt., Royal Munster Fusiliers.
 Falls, Chas. F., Major, 11th Batt., Royal Inniskilling Fusiliers.
 Findlater, Herbert S., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Fottrell, Brendan J., Lieut., 3rd Batt., Royal Irish Regiment. **Killed in action.**
 Fry, Philip G., 2nd Lieut., 8th Batt., Royal Irish Fusiliers.
 Galt, William H. C., 2nd Lieut., 9th Batt., Royal Dublin Fusiliers.
 Gillespie, Thomas V., 2nd Lieut., 6th Batt., Royal Inniskilling Fusiliers.
 Gilmore, Dinnen B., 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.

- Gordon, Herbert C., Lieut., 11th Batt., Royal Inniskilling Fusiliers.
- Johns, Tyndall S., Lieut., 12th Batt., Royal Irish Rifles.
- Knight, William W. M., 2nd Lieut., 11th Batt., Royal Inniskilling Fusiliers.
- Lecky, Hugh, 2nd Lieut., 7th Batt., Royal Dublin Fusiliers.
- MacCarthy, George E., The Irish Guards.
- MacCulloch, Robt. R., Sergeant, No. 1 Battery, Motor Machine Gun Service.
- Machin, Alfred S., Lieut., 5th Batt., Royal Irish Fusiliers.
- McCallum, John D. M., Captain, 8th Batt., Royal Irish Rifles.
- McLean, Robert E., Captain, 13th Batt., Royal Irish Rifles.
- Markey, Patrick C., 2nd Lieut., Royal Field Artillery.
- Miller, Julian T. E., Captain, 10th Batt., Royal Inniskilling Fusiliers.
- Monks, Thomas F. (jun.), 2nd Lieut., Royal Field Artillery.
- Munn, Alfred E. A. M., 2nd Lieut., 11th Batt., Inniskilling Fusiliers.
- Nolan, William S., 2nd Lieut., Army Service Corps.
- O'Grady, Wm. M., 2nd Lieut., 14th Batt., Manchester Regiment.
- Orr, Robert C., Captain, 3rd Batt., Somersetshire Light Infantry. **Killed in action.**
- Parke, James C., Captain, 6th Batt., Leinster Regiment.
- Peel, John E., Motor Despatch Rider, 107th Infantry Brigade, Ulster Division.
- Ramage, William, Motor Cyclist, Royal Engineers.
- Richards, Wm. R., Lieut., 6th Batt., Royal Dublin Fusiliers.
- Ronan, John, 2nd Lieut., Motor Machine Gun Service.
- Ryan, Wm. G., 2nd Lieut., 6th Batt., Royal Irish Rifles.
- Scott, Robert H., Captain, 6th Batt., Inniskilling Fusiliers.
- Simmons, Rd., Lieut., Army Service Corps.
- Simms, Alfred G. F., Lieut., 6th Batt., Connaught Rangers.
- Slattery, Edmond B., 2nd Lieut., 7th Batt., Royal Munster Fusiliers.
- Smiles, Wm. A., Lieut., 9th Batt., Royal Irish Rifles.
- Stanton, Robert, 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
- Triscott, Cyril, 2nd Lieut., Sherwood Foresters.
- Wallace, Robert H., C.B., Colonel, Camp Commandant, 107th Infantry Brigade, Ulster Division.
- Watson, Saml. H., 2nd Lieut., R. F. Artillery.
- Watts, Robt., 2nd Lieut., Army Service Corps.
- Webb, Samuel C., 2nd Lieut., 5th Batt., Royal Irish Regiment.
- Wright, Wm. M., 2nd Lieut., 13th Batt., R. I. Rifles.

APPRENTICES.

- Alexander, Edmund J., 6th Batt., Black Watch.
- Baillie, Hugh M., 16th Batt., Royal Irish Fusiliers.
- Brett, Jasper T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Bridge, Allman V., 2nd Lieut., 6th Batt., Royal Irish Regiment.
- Bustard, Robert D. C., 2nd Lieut., 16th Batt., King's (Liverpool) Regiment.
- Callaghan, A. Nickson, 2nd Lieut., 14th Batt., King's (Liverpool) Regiment.
- Conan, Alan J., Army Service Corps.
- Crookshank, Arthur C., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Davidson, James J., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Denroche, Chas. T., Lieut., 7th Batt., The Leinster Regiment.
- Disney, Thos. B. L., Motor Despatch Rider, Royal Engineers.
- Donnelly, Joseph A., 2nd Lieut., Royal Field Artillery.
- Dunbar, Thomas, 2nd Lieut., Army Service Corps.
- Falkiner, Frederick E. B., "D" Co., 7th Batt., Royal Dublin Fusiliers.
- Farrell, Cecil J., Capt., 5th Batt., Leinster Regiment.
- Fitzgibbon, Michl. J., 2nd Lieut., 7th Batt., Royal Dublin Fusiliers.
- Fitzgerald, James G. E., Lieut., 9th Batt., Royal Irish Fusiliers.
- Garvey, Ivan H., 2nd Lieut., 3rd Batt., Connaught Rangers.
- Greer, James K. MacG., Lieut., 3rd Dragoon Guards.
- Hodnett, George P., 2nd Lieut., Army Service Corps.
- Kavanagh, John J., Lieut., 3rd Batt., Connaught Rangers.

Mahaffy, Henry I., 13th Batt., Royal Irish Rifles.
 McCarthy, W. T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 McFerran, William R., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 McGonigal, Robert W., 2nd Lieut., Royal Garrison Artillery.
 McIldowie, John D., 2nd Lieut., 11th Batt., Royal Inniskilling Fusiliers.
 McKee, Herbert M., Motor Despatch Rider, Royal Engineers.
 Meldon, Louis A., 2nd Lieut., Army Service Corps.
 Mitchell, John S., North Irish Horse.
 Moloney, Michael, 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
 Moore, Francis, 2nd Lieut., 3rd Batt., Royal Irish Rifles.
 O'Dwyer, John, junr., 2nd Lieut., 9th Batt., Royal Dublin Fusiliers.
 O'Morchoe, Arthur D., Lieut., 5th Batt., The Leinster Regiment.
 Parr, Victor H., Captain, 7th Batt., Inniskilling Fusiliers.
 Patterson, Richd. G. G., 9th Batt., Royal Irish Fusiliers.
 Purcell, Noel M. J., Lieut., 6th Batt., The Leinster Regiment.
 Ryan, Edward T., Lieut., 4th Batt., Royal Irish Regiment.
 Sainsbury, Reginald A., South Irish Horse.
 Schute, J. Hartley, Lieut., 6th Batt., Royal Irish Fusiliers.
 Stevens, Wm. P., 2nd Lieut., 7th Batt., The King's (Liverpool) Regiment.
 Tougher, Robt. A., 2nd Lieut., Army Service Corps.
 Turnbull, Alex. M., Motor Despatch Rider, Royal Engineers.
 Walsh, Kevin, 2nd Lieut., Army Service Corps.
 Williams, Saml. E., 2nd Lieut., 6th Batt., Royal Irish Regiment.
 Wray, John P., Captain, 6th Batt., Connaught Rangers.

New Solicitors.

ADMISSIONS DURING MARCH, 1915.

Name	Served Apprenticeship to
Cooke, Charles A. ...	Thos. M. Kenny, Galway.
Macaulay, Robert Alphonsus	Henry J. Marshall, Lis-towel.
Oulton, Rupert Willoughby ...	Robert Hayes, Dublin.

Results of Intermediate Examination.

At the Intermediate Examination for Apprentices held upon 2nd March the following passed the Examination:—

CLASS I.

William F. Nally.

CLASS II.

James M. Seales.

Dates of Examinations.

The following are the dates of the May, 1915, Examinations:—

Preliminary.—20 and 21 May (Notices to be lodged in the Secretary's Office on or before 5th May).

Final.—26, 27, 28 May (Notices to be lodged in the Secretary's Office on or before 12th May).

Irish Land Commission.

The following Sittings of the Court of the Land Commission for hearing Appeals have been provisionally arranged.

Place of Sitting	Date of Sitting	Districts Listed
1915.		
Dublin ...	April 29th	Leinster (part of)
Belfast ...	May 4th	Cos. Down and Antrim
Dublin ...	" 11th	Leinster (part of)
Dublin ...	June 3rd	Leinster (part of)
Sligo ...	" 22nd	Co. Sligo and Co. Leitrim (part of)
Carrick-on-Shannon	" 23rd	Co. Leitrim (part of)
Limerick ...	" 30th	Co. Limerick and Co. Tipperary (part of)
Killarney ...	July 2nd	Co. Kerry and Co. Cork (part of)
Cork ...	" 5th	Co. Cork (part of)

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

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

**NATIONAL INCOME TAX
RECOVERY AGENCY,
4 COLLEGE GREEN, DUBLIN.**

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

Tax on Bank Interest Recovered.

Fixed Terms.

No Elastic Arrangements.

R. C. BARBOR, Manager.

*N.B.—Over thirty years' experience in the
Public Service*

