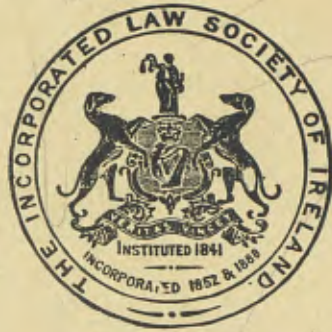


Wm. F. Ayward



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 1.]

May, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Annual Subscription	3
Meeting of the Council	3
Council Meetings	4
Committee Meetings	4
The Sinn Fein Insurrection	4
Obituary	4
New Members	4
Defence of Prisoners	4
Rules of the Supreme Court	5
High Court Sittings, 1916	5
Change of Addresses	5
Easter and Trinity Sittings Lectures, 1916	5
Final Examinations	6
New Solicitor	6



THE GAZETTE

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Vol. X, No. 1.]

May, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscription.

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

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

Meeting of the Council.

April 5th.

Death of Sir Malachy J. Kelly.

A resolution was passed expressing the sympathy of the Council with the relatives of the late Sir Malachy J. Kelly, Chief Crown Solicitor, in their bereavement.

Registration of Deeds.

A letter in reply was read from the Registrar of Deeds stating that affidavits verifying the execution of memorials cannot legally be sworn before any of the Naval or Military authorities named in the recently made High Court Rule regulating the taking

of affidavits for use in the High Court in Ireland.

Actions for Account.

The Secretary reported that in the appeal, taken with the support of the Council, in the case of *Tonge and Taggart v. Mulvey*, being an action for an account and for payment of balance found due, and in which, after the taking of the account in Chambers, a sum of less than £20 was found to be due, and judgment was given for the amount found due with costs of action, the order of the Chancery Judge appealed against and which had confirmed the ruling of the Taxing Master, deciding that Order LXV., Rule 3, applied in such circumstances, and that such costs of action as would follow from the recovery of less than £20 should only be allowed, had been reversed.

The Court of Appeal, reversing the order, held that Order LXV., Rule 3, did not apply in the case, and that the Plaintiff was entitled to full costs, and granted to the Plaintiff the costs of the appeal.

House of Lords Appeals.

A letter was read from the Lord Chancellor of England to the President inviting the opinion of the Council on a proposed amendment of the Standing Orders of House of Lords, whereby the period limited for lodging an appeal to the House of Lords would be reduced from within twelve to within six months from the date of pronouncement of judgment appealed from. The Council expressed approval of the proposed amendment.

Council Meetings.

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

May 24th.

June 14th and 28th.

Committee Meetings.

THE following Committee Meetings were held during April :—

House, Library and Finance, 3rd.

Gazette, 11th.

Court of Examiners, 13th.

The Sinn Fein Insurrection.

AT the meeting of the Council held upon the 10th May, the following resolution was adopted, and copies directed to be sent to His Majesty the King, the Prime Minister, the Chancellor of the Exchequer, and the Lord Lieutenant :—

Resolved—“ The Council of the Incorporated Law Society of Ireland, at their first meeting since the Sinn Fein insurrection in Ireland, hereby tender to His Gracious Majesty the King the assurance of their continued loyalty to his person and Throne. The Council express their abhorrence and condemnation of the scenes of outrage and destruction which have taken place, and urge upon His Majesty's Government the justice and necessity of providing promptly the funds necessary for restoring the buildings and property destroyed, and for compensating adequately all loyal subjects who have suffered by reason of the outbreak.”

Obituary.

MR. PATRICK LAVERTY, Solicitor, Belfast, died upon the 5th March, 1916, in London.

Mr. Laverty served his apprenticeship with the late Mr. Andrew McErlean, Belfast, was admitted in Easter Sittings, 1895, and practised at 21 Chichester Street, Belfast.

MR. JOHN W. KILLEEN, Solicitor, died upon the 4th April, 1916, at his residence, 6 Mount Street Crescent, Dublin.

Mr. Killeen was apprenticed to the late Mr. William Slattery, 51 Dame Street, Dublin, was admitted in Trinity Sittings, 1889, and practised (under the style of Messrs. Michael Larkin and Company) at 51 Dame Street, Dublin.

MR. CHARLES S. GRAHAM, Solicitor, died upon the 10th April, 1916, at his residence, Loughrea, County Galway.

Mr. Graham served his apprenticeship with the late Mr. Robert W. Peebles, 9 North Frederick Street, Dublin, was admitted in Hilary Sittings, 1883, and practised at Loughrea.

MR. JAMES McLEAN, Solicitor, died upon the 14th April, 1916, at his residence, Plas Merdyn, Holywood, County Down.

Mr. McLean served his apprenticeship with his father, the late Mr. James McLean, Belfast, was admitted in Hilary Term, 1869, and practised (as a member of the firm of Messrs. McLean, Boyle and McLean) at Belfast up to the year 1888, in which year he was appointed Resident Magistrate, which position he held up to the year 1911, when he retired. He subsequently, in 1915, resumed practice as a Solicitor with the firm in Belfast of which he was previously a member.

New Members.

THE following joined the Society during April, 1916 :—

Sullivan, Daniel, 51 Dame Street, Dublin.

Ward, Peter J., Killybegs, Co. Donegal.

Defence of Prisoners.

THE following particulars were obtained by the President at an interview with Military Authorities at Richmond Barracks, Dublin, on 16th May :—

(1) Letters written to prisoners reach the prisoners. If therefore a relative wish to instruct a Solicitor to act for a prisoner,

he should write to the prisoner so informing him, and the prisoner can then say if he wish to employ that Solicitor or not.

(2) Field Courts Martial will probably cease within a week, then there will be General Courts Martial, at which Solicitors and Counsel are entitled to appear. Due notice of the sittings will be given to those Solicitors acting for accused persons.

(3) In cases of trials of prisoners who have been deported, "it is the present intention" that where a trial is necessary, those prisoners should be tried in Ireland.

Rules of the Supreme Court.

By Order in Council dated the 8th day of May, 1916, made under the Supreme Court of Judicature (Ireland) Acts, it is ordered that the following Order shall be added to and form part of the Rules of the Supreme Court (Ireland) Rules, 1905, as amended by the subsequent Orders made in pursuance of the statutory power:—

ORDER XCII.

(1) Notwithstanding anything contained in the foregoing Orders and Rules, the following Rules shall have effect:—

(a) The Easter Sittings of the Court of Appeal and of the High Court in the year 1916 shall commence on the 19th of May and terminate on the 10th of June.

(b) The time between the 24th of April, 1916, and the 8th of May, 1916, inclusive, shall not be reckoned in the computation of the times appointed or allowed for the doing of any act or taking any proceeding.

(c) In the taxation of the Costs of any Action or other proceeding pending in the Court of Appeal or the High Court at the date of this Order, the Taxing Master, in addition to the allowances prescribed by the Rules or by Appendix S., Part I., shall be at liberty to allow such further fees, charges, and expenses as he shall decide and signify by note in writing made at the taxation to have been reasonably and properly incurred

by reason of the alteration in the date of the commencement of the Easter Sittings, 1916, or by reason of the offices of the Supreme Court not having been open on the dates prescribed by Order 63, Rule 4.

High Court Sittings, 1916.

EASTER Sittings will commence on Friday, the 19th May, and will terminate on Saturday, the 10th June. Trinity Sittings will commence on Wednesday, the 14th June, and will terminate on Monday, the 31st July.

Change of Addresses.

THE following are the new addresses of those Dublin Solicitors whose offices have been recently destroyed in the City of Dublin:—

Beater, O. P., 10 Leinster Street.

Bergin, M. S., 56 Rutland Square, W.

D'Alton, Michael, 20 Stephen's Green, N.

Early, Thomas, 6 Cavendish Row.

Henry and Son, 11 Molesworth Street.

Magee, James M., 8 Parliament Street.

Matheson and Prentice, 27 Westmoreland Street.

O'Neill and Collins, 190 Great Brunswick Street.

Rooney and Kelly, 14 Upper Ormond Quay.

Stewart and Orr, 7 Great Brunswick Street.

Vanston, J. S. B., 44 Fleet Street.

Easter and Trinity Sittings Lectures, 1916.

JUNIOR CLASS.

CREDIT will be given for attendance at the lectures fixed for April 27, May 1, 4, 8, 11, 15, 18 (seven lectures).

Lectures to the Junior Class will be delivered on May 22, 25 and 29, June 1, 5, 8, 15, 19, 22, 26 and 29.

At least seven of these eleven lectures *must* be attended in order to obtain credit for attendance at Easter and Trinity Sittings

Lectures, but Apprentices are expected to attend all of the eleven lectures.

Intermediate Examination, Monday, 3rd July (notices to be lodged in Secretary's Office before 17th June).

SENIOR CLASS.

Credit will be given for attendance at the lectures fixed for April 28, May 2, 5, 9, 10, 12 and 16 (seven lectures).

Lectures to the Senior Class will be delivered on May 23, 26 and 30, June 2, 6, 9, 16, 20, 23, 27 and 30.

At least seven of these eleven lectures *must* be attended in order to obtain credit for attendance at Easter and Trinity Sittings Lectures, but Apprentices are expected to attend all of the eleven lectures.

Final Examination.

THE Final Examination (previously intended to be held upon 24th, 25th and 26th May) will be held upon Wednesday, Thursday and Friday, the 7th, 8th and 9th days of June, at 10 o'clock a.m. each day.

New Solicitor.

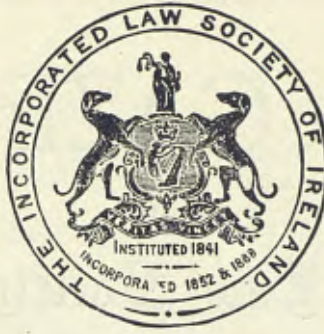
THE following was admitted during April, 1916 :—

Name is	Served Apprenticeship to
Quinlan, Patrick Francis	John M. Maxwell, 40 North Great George's 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.

Calendar of the Incorporated Law Society, 1916.

THE Calendar and Law Directory, published by the Society for 1916, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 2.]

June, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Half-Yearly General Meeting	8
Meetings of the Council	10
Council Meetings	11
Committee Meetings	11
Legal Appointments	11
Obituary	11
Commissioners to Administer Oaths	11
New Members	11
Appeals to the House of Lords	11
Recent Decision affecting Solicitors— <i>In re Ursula Radcliffe, a Bankrupt</i>	11
New Solicitor	12
Intermediate Examinations, July, 1916	12

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 2.]

June, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-yearly General Meeting of the Society was held in the Solicitors' Buildings, Four Courts, Dublin, upon Tuesday, 16th May, Mr. Charles St. George Orpen, President, in the chair.

The following members were also present :

Messrs. J. H. Walsh (Vice-President), A. H. S. Orpen (Vice-President), A. E. Bradley, P. J. Brady, M.P.; J. H. Callan, G. Collins, W. H. Fry, C. G. Gamble, W. S. Hayes, M. L. Hearn, J. E. MacDermott, R. A. Macnamara, James Murphy, T. G. Quirke, I. J. Rice, W. V. Seddall, Henry Shannon, W. J. Shannon, W. T. Sheridan, H. J. Synnott, Basil Thompson, R. G. Warren, R. Blair White, N. L. Moran, James Brady, S. M. Bell, J. P. Collins, W. J. Ryan, Charles Corcoran, Geo. Wheeler, J. G. Lidwell, M. J. O'Neill, Patrick Rooney, Q. W. Kenny, J. G. Lidwell, E. S. Lowe, H. O'B. Moran, H. C. Neilson, Edwin Lloyd, John Read, J. W. Davis, David Dunne, O. E. Barber, H. D. Draper, W. J. Brett, P. Seales, and P. K. White.

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

THE PRESIDENT nominated the following members to act as scrutineers of the ballot for election of Council, to be held next November:—Mr. E. F. Collins, Mr. M. Dawson, Mr. E. N. Edwards, Mr. W. Ghegan, and Mr. P. K. White.

MR. WALSH moved, and Mr. A. H. S. Orpen seconded, and it was resolved that the following be appointed Auditors of the accounts of the Society for the period from 1st May, 1915, to 12th May, 1916:—Mr. W. Carruthers, Mr. David Dunne, and Mr. T. A. Ireland.

President's Address.

THE PRESIDENT, in addressing the meeting, said that one of the matters to which the Council give special attention is that of unauthorised persons acting as Solicitors. I feel, he said, that the general body of Solicitors in Ireland do not realise this. We cannot proceed against an "illegal practitioner" unless we have proper legal evidence to ground our prosecution. Cases are reported to us; but, when we ask the complainants to give evidence, they, not unnaturally I admit, do not wish to have their names mixed up with the prosecution; thus we are powerless, and yet the complainants sometimes say: "We brought the facts before the Council, and they did nothing." During the last six months we successfully prosecuted in the King's Bench Division an illegal practitioner, and the delinquent was imprisoned. The Council are determined, as far as in them lies, to stop all infringements of the rights of Solicitors. Here are we working for the benefit of all the Solicitors in Ireland—and all the Solicitors in Ireland, whether they be members of the Incorporated Law Society or not, enjoy the benefit of our labours. Is this reasonable? Surely every Solicitor in Ireland who is worthy of the name, should

be ashamed to take advantage of our work, and at the same time remain outside the Society. I think that if Solicitors who are not members of the Society realised this they would all become subscribing members.

Death of Master Culhane.

I refer with deep sorrow and regret to the death of Master Culhane. It is to be regretted, not only on behalf of the Solicitors' profession, but also on behalf of the general public, that his place has not been filled. When, however, "the powers that be" point out the necessity of economy, it is difficult, bearing in mind the terrible crisis that our country is passing through, to put up any argument against anything in the nature of curtailment of national expenditure. Accordingly, economy is necessary, and the vacant Taxing Mastership has not been filled. This means a saving of £1,000 a year to the Treasury, and a loss of that sum to our profession. Very shortly after, we hear that a judgeship of the High Court has fallen vacant, thus giving the Treasury a saving of £3,500 a year. Was that post left vacant? Not for a day. The Treasury still pay the £3,500—they pay it to a judge whom we are all glad to see on the Bench; but that is neither here nor there—they still pay it, and "no economy is necessary" except where a Solicitor is concerned.

The Rebellion.

With regard to the way in which the rising affected your Society's premises. These premises were in the occupation of the Sinn Feiners for six days. Considerable damage was done to furniture, fittings, and windows; but I am glad to say the records and more valuable portions of the Society's property were uninjured. I am satisfied that the resolution of the Council, which has been published, represents the feeling of all Irish Solicitors with regard to what has recently taken place in our city. Everyone who is interested in Dublin, everyone who is interested in the future of Ireland, must do everything possible to have our city buildings restored promptly, and thus have the evidence of our shame and sorrow obliterated. I know what my feelings are when I look upon the destruction that has

been wrought in Sackville Street. I feel ashamed and humiliated, and I say to myself, "Can such things be?" That, I feel confident, is the feeling of every Irishman, no matter what his religious or political opinions may be.

Question of Compensation.

I am glad to hear that the Government are disposed to assist in the rebuilding of the houses and offices that have been destroyed, and thus to help those loyal and unoffending citizens who, through no fault of their own, have lost heavily—some of them everything they have in this world. The claims of our brother Solicitors must not be overlooked. Several of them have suffered irreparable loss—loss that no money payment can ever recoup—and, on behalf of the Council, I can assure them of our deep sympathy, and I tell them now that anything that we can do to help them in their adversity, we will do, to the utmost of our ability. I do not intend, at present at any rate, to further comment on or speak about the terrible and heart-rending period through which our city has recently passed. I will merely say this: we, Irishmen, all of us, love liberty; it is what we are always ready and willing to work for—aye, and to fight for—but every Irishman's idea of "liberty" may not be the same. Ireland under German rule would not be my idea of liberty.

MR. P. J. BRADY, M.P., said that in view of the timely and appropriate references the President had made to the occurrences in Dublin, he might be given an opportunity of associating himself with his remarks in reference to those who had suffered damage in these occurrences. He was glad to be able to tell them that within a couple of hours the Dublin City and County members would have the privilege of receiving a deputation of the representative Committee of Solicitors set up to deal with these matters, of which Mr. Rooney was the chairman. He had received a letter the previous evening from Mr. Matheson, Hon. Secretary of the Committee, asking him if his colleagues would be prepared to receive a deputation, and an appointment had been made for the purpose at four o'clock that afternoon. On behalf of his Parliamentary colleagues, and on his own

behalf, he assured those Solicitors who had suffered, that nothing would be left undone by them to redress the terrible calamity under which they were suffering.

MR. JAMES BRADY associated himself with the observations made by Mr. Brady, M.P. Several of his colleagues, both in the city and in the country, had spoken to him with regard to retainers which they had got for the defence of persons arrested in connection with the recent disturbances. He himself had been retained by the relatives of a great many of them. Having ascertained that the military authorities were refusing to permit any Solicitor to attend the trials, he went to Richmond Barracks for the purpose of inquiring if he could obtain permission to interview those persons for whom he had been instructed to act, and he experienced considerable difficulty with the military authorities in his efforts to get into communication with those prisoners for whom he had been retained.

MR. LIDWELL stated that he had a similar experience to Mr. Brady in reference to prisoners for whom he had been retained.

MR. H. O'BRIEN MORAN (Limerick) associated himself with the remarks of Mr. Brady and Mr. Lidwell. He had come to Dublin to see prisoners from Limerick for whom he had been retained.

MR. SEDDALL drew attention to the rules which regulate courts martials.

THE PRESIDENT suggested that, after consulting with Mr. James Brady, Mr. Lidwell and Mr. Moran, he would see the military authorities with a view to coming to a satisfactory arrangement.

The suggestion was approved, and the business of the meeting then ended.

Meetings of the Council.

May 10th.

The Sinn Fein Rebellion.

The Secretary reported that the Sinn Fein rebels had been in possession of the Society's premises from the 24th to 29th April, and had done considerable damage to the

furniture, fittings and windows, but that the records, books and the more valuable property of the Society had not been injured.

The Council passed the resolution in reference to the rebellion which appeared in the GAZETTE of last month.

It was resolved that the sympathy of the Council be conveyed to those members of the profession whose offices had been destroyed.

Court of Examiners.

A report was submitted upon an application by a Law Clerk for leave to be bound under Section 16. The application was granted.

Certificates.

Applications by three Solicitors for liberty to renew their annual certificates were submitted, and orders were made in the three cases.

May 24th.

Sinn Fein Rebellion.

Letters were read in acknowledgment of the resolution of the Council of 10th May, on behalf of H.M. the King, the Prime Minister, the Chancellor of the Exchequer, and the Lord Lieutenant.

Costs Committee.

A report was submitted upon a query as to who was liable in the absence of an agreement on the matter to pay the costs of the Solicitor for Lessor of and incident to approval and execution of consent to an assignment of a lease, which lease contained a clause against assignment without written consent. The Committee reported that the lessee was liable to pay the costs, and the Council adopted the report.

Court of Examiners.

A report was submitted upon an application by a Law Clerk for leave to be bound under Section 16. The application was granted.

Council Meetings.

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

June 14th and 28th.
July 12th and 26th.

Committee Meetings.

THE following Committee meetings were held during May :—

Gazette, 18th.
Costs, 19th.
Court of Examiners, 22nd.

Legal Appointments.

MR. HENRY ARTHUR WYNNE, of the firm of Messrs. Wynne and Wynne, 62 South Mall, Cork, has been appointed Chief Crown Solicitor for Ireland, in room of the late Sir Malachy J. Kelly.

MR. JASPER TRAVERS WOLFE, Skibbereen, has been appointed Crown Solicitor for the West Riding of County Cork and for the City of Cork, in room of Mr. Henry Arthur Wynne, appointed Chief Crown Solicitor.

Obituary.

MR. JOHN H. O'DONNELL, Solicitor, died upon the 14th May, 1916, at his residence, 40 Lower Leeson Street, Dublin.

Mr. O'Donnell served his apprenticeship with the late Mr. John O'Hagan, 9 Harcourt Street, Dublin, was admitted in Trinity Sittings, 1890, and practised (formerly in partnership with the late Mr. John O'Hagan, and latterly in partnership with Mr. Richard Ryan), at 9 Harcourt Street, Dublin, under the style of Messrs. O'Hagan and Son.

Commissioners to Administer Oaths.

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

John P. Dillon, Solicitor, 5 North Great George's Street, Dublin.
Harcourt H. Jones, Solicitor, Belfast.
John Robinson, Auctioneer, Belfast.

New Members.

THE following joined the Society during May, 1916 :—

Doyle, Terence, 22 Eustace Street, Dublin.
Todd, Robert H., Londonderry.

Appeals to the House of Lords.

BY resolution, passed by the House of Lords upon 23rd May, 1916, Standing Order No. 1 regulating Judicial Proceedings in the House, was amended so as to read as follows :—

ORDERED, that no petition of appeal be received by this House unless the same be lodged in the Parliament Office for presentation to the House within six months from the date of the last decree, order, judgment, or interlocutor appealed from, or, in the case of decrees, orders, judgments, or interlocutors pronounced before the 1st day of April, 1916, within one year from the date of the pronouncement of the said decree, order, judgment, or interlocutor.

Recent Decision affecting Solicitors.

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

COURT OF APPEAL.

(Before Sir Ignatius J. O'Brien, C., and Ronan and Molony, L.JJ.)

In re Ursula Radcliffe, a Bankrupt.

May 22, 1916.—*Practice—Taxation of costs by Registrar of local Court—Costs incurred in Court of Appeal.*

This was an appeal by the Bankrupt from an order of His Honour the Recorder of Belfast, refusing to review the Registrar's taxation. It appeared that the Recorder had adjudicated Miss Radcliffe a Bankrupt. She appealed, and the Court of Appeal held that the adjudication was wrong, there being no evidence to sustain it, and set it aside, adjudicating the respondents, the Imperial Tobacco Co., Ltd., to pay the costs when

taxed by the Taxing Master. The appellant taxed her costs before the Recorder's Registrar, who disallowed certain items. From his decision Miss Radcliffe appealed to the Recorder, who affirmed his Registrar's decision. The present appeal was taken from the latter decision. During the course of the arguments the Court raised the point that these costs should not have been taxed by the Registrar, but by the Taxing Master of the High Court.

After discussion, and after conferring with Master Kilbride, and having referred to the case of *In re Hanafin, a Bankrupt* (1907), 2 I.R. 109, the Court discharged the order appealed from, holding that the County Court had no jurisdiction to tax the costs, which were to be taxed by the officer of the High Court, each side to abide its own costs of the appeal.

New Solicitor.

THE following was admitted during May, 1916:—

<i>Name</i>	<i>Served Apprenticeship to</i>
Goff, Bartholomew John	John Gore, 6 Cavendish Row, Dublin.

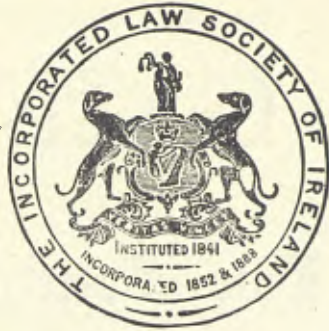
Intermediate Examination, July, 1916.

THE Intermediate Examination will be held upon Monday, 3rd July, 1916, at 10 o'clock a.m. Notices of intending candidates should be lodged in the Secretary's Office not later than Monday, 19th June.

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

Calendar of the Incorporated Law Society, 1916.

THE Calendar and Law Directory, published by the Society for 1916, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 3.]

July, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	14
Council Meetings	15
Committee Meetings	15
Destroyed Property Committee, 1916	16
Obituary	16
Commissioner to Administer Oaths	16
Results of Examinations	16
Summer Assizes, 1916	17

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 3.]

July, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 14th.

Land Purchase Advances.

The Council having requested that the Estates Commissioners would, fourteen days before making an advance of Stock, cause a letter to be written to the Solicitor for the Vendor, asking whether he desires to submit any reasons to the Commissioners why such advances should not be made, a letter in reply was read stating that the Commissioners regret they cannot see their way to alter their present procedure, *i.e.*, to give fourteen days' notice of their intention to make an advance of Stock in all cases in which vendors or their Solicitors apply that such notice may be given.

Preliminary Examination.

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

Certificate.

An application by a Solicitor for renewal of his Certificate was considered, and an order was made.

June 28th.

Death of Mr. T. J. Furlong.

A resolution was passed expressing the sympathy of the Council with the family of the late Mr. T. J. Furlong, Solicitor, who was the senior practitioner of the Green Street Sessions Bar.

Civil Liability Commissioners.

The Council made representations to the Attorney-General for Ireland with a view to having Solicitors in Ireland appointed as Commissioners to hold local investigations into applications by recruits for assistance in respect of their civil liabilities.

A letter in reply was read from the Attorney-General, stating that he had been in communication with the Local Government Board for England who have control of the arrangements and appointments in connection with the enquiries under the scheme for grants, and especially with regard to the question of appointing Solicitors to act in Ireland. The Board, in view of its action in regard to England and Scotland, in which countries Barristers only have been appointed, is unable to make a departure in the case of Ireland, as they consider, from the nature of the duties to be discharged, that they should be entrusted to Barristers.

Land Registry.

A letter in reply was read from the Chief Clerk of the Land Registry in relation to the practice in regard to the lending out to Solicitors of documents lodged by them in the Land Registry. The letter stated that the practice in this matter was identical with that obtaining throughout the offices of the High Court, that is to say: no document can be issued which is of the nature of an original application, affidavit, etc., which has been placed on the files of the Court. The letter further stated that in the particular case to which attention had been drawn, there was no objection to the issue on loan

to the Solicitor of documents such as copy vesting order, counterpart lease, duplicate certificate of registry of *lis pendens*, probate, and an original letter.

Final Examination.

The report of the Court of Examiners upon the result of the June Final Examination was submitted and adopted. The results appear in this GAZETTE.

Council Meetings.

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

July 12th and 26th.
October 4th and 18th.

Committee Meetings.

THE following Committee Meetings were held during June:—

Privileges, 2nd and 21st.
Court of Examiners, 9th and 26th.
Gazette, 8th.
Costs, 23rd.

Destroyed Property Committee, 1916.

THE following statement has been issued:—

“DESTROYED PROPERTY COMMITTEE.

“In connection with the destruction, both in Dublin and elsewhere, of buildings and their contents, the State will assume, as the maximum (except as specified below) of its *ex gratia* grant, the same liability as would have fallen on the Insurance Companies if the risk had been covered by the Policies in force at the time of the recent disturbances.

Accordingly, His Excellency the Lord Lieutenant has decided to appoint a Committee consisting of:—

Sir William J. Goulding, Bart., D.L.
(Chairman).

Mr. William E. Osborn, of Messrs. Selfe and Co.; London, and

Mr. Samuel J. Pipkin, General Manager of the Atlas Assurance Company, Ltd.

(a) (i.) To ascertain what were the sums covered, for ordinary fire risks, by insurance policies in force at the time of the destruction of the property;

(ii.) to advise what part of such sums would normally have been paid by the Insurance Companies if the destruction had been caused by accidental fire; and;

(b) having regard to the information obtained under the foregoing heads (i.) and (ii.), to advise how, on analogy, the several claims of uninsured persons could fairly be dealt with, and how far, in individual cases of insured persons exceptional treatment should be allowed in view of special circumstances.

For the foregoing purposes looting may be deemed to be burning, but no consequential damages of any kind are to be taken into account.

In no case will any grant be made in respect of the property of persons in complicity with the outbreak.

All communications should be addressed to the Secretary of the Committee, Mr. James J. Healy; at 51 St. Stephen's Green, East, Dublin.

(Signed) ROBERT CHALMERS.

15th June, 1916,

DUBLIN CASTLE.”

In response to inquiries made on behalf of the Council, the President has been informed that the Destroyed Property Committee do not intend to hold public sittings; that two Assessors have been appointed by the Committee, who will deal with claims and report upon them to the Committee, and the Committee will then report upon them to the Treasury; that the Assessors will, if necessary, see the claimants and their Solicitors, or ask the claimants and their Solicitors to see them; that in cases of claims sent in with Solicitors' names on them, the communications in connection with such claims will be sent to such Solicitors.

Obituary.

MR. RICHARD F. BARRY, Solicitor, died upon the 15th June, 1916, at his residence, John's Place, Birr. Mr. Barry served his apprenticeship with the late Mr. William Mooney, 16 Fleet Street, Dublin, was admitted in Hilary Sittings, 1887, and practised at Birr. In the year 1892 Mr. Barry was appointed Crown Solicitor for King's County, and in the year 1914 he was appointed to the combined offices of Crown and Sessional Crown Solicitor for King's County, which he filled up to the time of his death.

MR. P. ROBERT KELLY, Solicitor, died upon the 16th June, 1916, at his residence, Abbey House, Athlone. Mr. Kelly served his apprenticeship with Sir William Fry, 14 Lower Mount Street, Dublin, was admitted in Trinity Sittings, 1889, and practised at Athlone. Mr. Kelly was appointed Crown and Sessional Crown Solicitor for County Westmeath in the year 1903, which position he held up to the year 1913; when he was appointed Clerk of the Crown and Peace for the same County.

MR. PATRICK RYAN, Solicitor, died upon the 18th June, 1916, at Dublin. Mr. Ryan served his apprenticeship with his father, the late Mr. John Ryan, Charleville, was admitted in Hilary Sittings, 1878, and practised at Charleville.

MR. THOMAS J. FURLONG, Solicitor, died upon the 22nd June, 1916, at his residence, Leinster House, Leinster Road, Rathmines. Mr. Furlong served his apprenticeship with the late Mr. James Goff, Upper Ormond Quay, Dublin, was admitted in Michaelmas Term, 1867, and practised at 11 Eustace Street, Dublin.

MR. JOHN S. B. VANSTON, Solicitor, died upon the 25th June, 1916, at his residence, Willow Bank, Terenure. Mr. Vanston served his apprenticeship with his father, the late Mr. John D. Vanston, Lower Sackville Street, Dublin, was admitted in Easter Sittings, 1880, and practised at 31 Lower Abbey Street, Dublin.

MR. WILLIAM C. ROGERS, Solicitor, died upon the 30th June, 1916, at Dublin. Mr. Rogers served his apprenticeship with Mr. G. A. Atkinson, Ballyshannon, was admitted in Hilary Sittings, 1892, and practised at Enniskillen.

Commissioner to Administer Oaths.

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

Joseph McNicholl, Clerk of Petty Sessions, Draperstown.

Results of Examinations.**PRELIMINARY EXAMINATION.**

At the Preliminary Examination held upon the 25th and 26th days of May, the following passed the examination:—

John G. Wheeler.

The following passed the modified Preliminary Examination for which they had liberty to present themselves:—

Samuel H. Forsythe.

Thomas J. Graham.

The remaining candidates were postponed.

PRELIMINARY EXAMINATIONS PRIZES, 1915-16.

A Special Certificate has been awarded to Hutchinson E. Davidson.

FINAL EXAMINATION.

At the Final Examination held upon 7th, 8th and 9th June, the following passed the examination, and their names are arranged in order of merit:—

1. Jeremiah J. Creed, B.A., N.U.I.
2. James D. Devlin.
3. Timothy P. Coffey.
4. John J. Gaynor.
5. Patrick J. McGarvey.
6. William H. Argue.
7. Lughaidh P. Gleeson.
8. Ivan B. Elliot.
9. Edward V. Coolican.

10. William L. Skelton.
11. Francis S. Younge.
12. Laurence Conroy, jun.
13. John P. MacGovern.
14. Henry J. Kenny.

The Council awarded a Gold Medal to Jeremiah J. Creed, B.A., N.U.I.; a Silver Medal to James D. Devlin; and Special Certificates to Timothy P. Coffey, John J. Gaynor, and Patrick J. McGarvey.

The remaining candidates were postponed.

Summer Assizes, 1916.

NORTH-EAST CIRCUIT.

Co. Meath—At Trim, Monday, July 10th, 11.30 a.m.

Co. Louth—Dundalk, Wednesday, July 12th, 11 a.m.

Co. Monaghan—Monaghan, Friday, July 14th, 11 a.m.

Co. Armagh—Armagh, Monday, July 17th, 11 a.m.

Co. Down—Downpatrick, Wednesday, July 19th, 12 noon.

Co. Antrim—Belfast, Monday, July 24th, 12 noon.

Co. of the City of Belfast—Belfast, Wednesday, July 26th, 10.30 a.m.

Judges—Lord Justice Molony and Mr. Justice Gordon.

Registrars—Mr. Wm. T. Sheridan, 1 Elgin Road, Dublin; and Mr. James H. Monroe, Derrynane, Palmerston Gardens, Rathmines.

NORTH-WEST CIRCUIT.

Co. Westmeath—Mullingar, Monday, July 10th, 11.30 a.m.

Co. Longford—Longford, Tuesday, July 11th, 11 a.m.

Co. Cavan—Cavan, Thursday, July 13th, at 11 a.m.

Co. Fermanagh—Enniskillen, Monday, July 17th, 11 a.m.

Co. Tyrone—Omagh, Wednesday, July 19th, at 11 a.m.

Co. Donegal—Lifford, Saturday, July 22nd, at 11 a.m.

Co. Londonderry—Londonderry, Tuesday, July 25th, 11.30 a.m.

Co. of the City of Londonderry—Wednesday, July 26th, 10.30 a.m.

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

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

MUNSTER CIRCUIT.

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

Co. Limerick—Limerick, Saturday, July 15th, at 11 o'clock.

Co. of the City of Limerick—Limerick, Saturday, July 15th, at 11 o'clock.

Co. Kerry—Tralee, Thursday, July 20th, at 12 o'clock.

Co. Cork—Cork, Thursday, July 27th, at 11 o'clock.

Co. of the City of Cork—Cork, Saturday, July 29th, at 10.30 o'clock.

Judges—Mr. Justice Ross, Mr. Serjeant Matheson, K.C.

Registrars—Mr. Stuart C. Ross, Oatlands, Stillorgan, Co. Dublin; Mr. J. H. Nunn, Bective, Pembroke Road, Dublin.

CONNAUGHT CIRCUIT.

King's Co.—Tullamore, July 10th, 11.30 a.m.

Co. Leitrim—Carrick-on-Shannon, July 13th, 2.30 p.m.

Co. Sligo—Sligo, July 17th, 11.30 a.m.

Co. Roscommon—Roscommon, July 20th, 11 a.m.

Co. Mayo—Castlebar, July 24th, 12 o'clock.

Co. Galway—Galway, July 28th, 11 a.m.

Judges—The Lord Chief Justice and Lord Justice Ronan.

Registrars—Mr. J. Briscoe Cherry, St. Helens, Bray, Co. Wicklow; and Mr. W. B. Ronan, 45 Fitzwilliam Square.

LEINSTER CIRCUIT.

Co. Wicklow—At Wicklow, July 10th, 12 o'clock.

Co. Wexford—Wexford, July 12th, 11 a.m.

Co. Waterford—Waterford, July 13th, 12 o'clock.

Co. of the City of Waterford—Waterford, July 13th, 12 o'clock.

Co. Tipperary, S.R.—Clonmel, July 15th, 11 a.m.

Tipperary, N.R.—Nenagh, July 18th, 11 a.m.

Queen's Co.—Maryboro', July 20th, 11 a.m.

City of Kilkenny—Kilkenny, July 22nd, 11.15 a.m.

Co. Carlow—Carlow, July 24th, 11.30 a.m.

Co. Kildare—Naas, July 25th, 11 a.m.

Judges—Mr. Justice Kenny and Mr. Justice Dodd.

Registrars—Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin; and Mr. Huston Dodd, 26 Fitzwilliam Square.

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

Calendar of the Incorporated Law Society, 1916.

THE Calendar and Law Directory, published by the Society for 1916, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 4.]

August, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	21
Council Meetings	22
Committee Meetings	22
Obituary	22
Roll of Honour	22
Legal Appointments	22
Commissioners to Administer Oaths	22
Change of Addresses	22
Regulations for obtaining Duplicate Office Copies of Court Documents destroyed by fire in Solicitors' Offices during the recent Rebellion in Dublin ...	23
Recent Decisions affecting Solicitors—	
<i>Porter v. Kirtlan</i>	24
<i>Tonge and Taggart, Ltd. v. Mulvey</i>	24
<i>In re the Ardtully Copper Mines, Ltd.</i>	26
Examination Results	27
New Solicitors	27
Dates of October Examinations	27
Michaelmas Sittings Lectures	27
Solicitors' Apprentices Debating Society	28
Notice	28

THE GAZETTE

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Vol. X, No. 4.]

August, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 12th.

Land Commission.

The Council having drawn the attention of the Land Commission to delay in dealing with applications for the consent of the Commission to partitions of purchased holdings, a letter in reply was read stating that "every endeavour is being taken to dispose of these cases as rapidly as possible, but owing to the number of men who are at present absent on military service it has not been possible to prevent some little delay occurring. The particular branch of the Department which deals with this work has, however, recently been strengthened, so as to prevent any inconvenience arising to the public."

Special Examiners.

The Council re-appointed Mr. C. H. Denroche, B.A., LL.B., R.U.I., Solicitor, and Mr. F. V. Gordon, B.A., ex-Scholar, T.C.D., Solicitor as Special Examiners for 1917.

Examination Results.

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

Law Clerk.

A report was submitted from the Court of Examiners upon an application of a Law

Clerk for leave to be bound under Section 16. The Council granted the application.

July 19th.

Death of Mr. James Murphy.

A resolution was passed expressing the deep regret of the Council at the death of their colleague, Mr. James Murphy, and conveying to Mrs. Murphy an assurance of the sympathy of the Council in her bereavement.

Legislation for the Government of Ireland.

The President reported that, as requested by the Council, he had interviewed both Sir Edward Carson, M.P., and Mr. John Redmond, M.P. He had submitted to them the request of the Council that in the event of new legislation for the Government of Ireland they should endeavour to secure that such legislation should not alter or affect the status of the Society, or the rights and privileges of those who have been admitted as Solicitors in Ireland, or who are at present serving under articles of apprenticeship; and that the position of those Solicitors who act as Dublin Agents of Solicitors practising in the counties and cities intended to be "excluded" from coming under the Government of Ireland Act, 1914, should receive special consideration. The President stated that both Sir Edward Carson and Mr. Redmond had listened attentively and sympathetically to his statement, and had promised that the matter would receive their attention.

Council Meetings.

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

October 4th and 18th.
November 1st, 15th and 29th.

Committee Meetings.

THE following Committee Meetings were held during July:—

House, Library and Finance, 5th.
Gazette, 5th.
Court of Examiners, 10th.
Privileges, 24th.

Obituary.

MR. JAMES MURPHY, Solicitor, died upon the 13th July, 1916, at his residence, 26 Clyde Road, Dublin.

Mr. Murphy served his apprenticeship with the late Mr. Leonard Morrogh, 5 Great Denmark Street, Dublin, was admitted in Hilary Sittings, 1879, and practised (in partnership with Mr. John Maxwell, under the style of Maxwell, Weldon and Co.) at 40 North Great George's Street, Dublin.

Mr. Murphy was a member of the Council from 1913, and filled the office of Vice-President of the Society in 1915.

MR. MICHAEL J. HORGAN, Solicitor, died upon the 24th July, 1916, at Clanloughlin, Cork.

Mr. Horgan served his apprenticeship with the late Mr. John Horgan, South Mall, Cork; was admitted in Trinity Term, 1870, and practised (in partnership with his sons, Messrs. John J. and George B. Horgan) under the style of Messrs. M. J. Horgan and Son, at 50 South Mall, Cork.

MR. ANGUS F. R. MACKINTOSH, Solicitor, died upon the 25th July, 1916, at his residence, 2037 Collingwood Street, Kitsilano, Vancouver, B.C.

Mr. Mackintosh served his apprenticeship with his brother, Mr. Thomas C. G. Mackintosh, Newtownards, was admitted in

Michaelmas Sittings, 1900, and practised at Newtownards up to 1909, in which year he went to Vancouver, B.C.

Roll of Honour.

CAPTAIN WILLIAM A. SMILES, Solicitor, of the Royal Irish Rifles, was killed in action on the 10th July, 1916.

Captain Smiles served his apprenticeship with Mr. Alexander McDowell, 51 Royal Avenue, Belfast, was admitted in Hilary Sittings, 1905, and practised at Belfast.

Legal Appointments.

MR. HENRY F. BRENNAN (Sen. Mod.), B.A., LL.B., T.C.D., a member of the firm of Messrs. Hoey and Denning, 12 Trinity Street, Dublin, and Tullamore, has been appointed to the office of Crown and Sessional Crown Solicitor for the King's County, in room of the late Mr. Richard F. Barry.

MR. CHARLES E. FAIR, B.A., LL.B., T.C.D., has been appointed Clérk of the Crown and Peace for the County of Westmeath, in room of the late Mr. P. Robert Kelly.

Commissioners to Administer Oaths.

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

William Dwyer, Solicitor, Roscrea.

Thomas J. Furlong, Solicitor, 11 Eustace Street, Dublin.

Change of Addresses.

THE following are the new addresses of those Dublin Solicitors whose offices were destroyed in the recent disturbances in the City of Dublin:—

Beater, O. P., 10 Leinster Street.

Bergin, M. S., 56 Rutland Square, W.

D'Alton, Michael, 9 Eustace Street.

Early, Thomas, 6 Cavendish Row.

Henry and Son, 11 Molesworth Street.

Magee, James M., 8 Parliament Street.
 Matheson and Prentice, 60 Dawson Street.
 O'Neill and Collins, 190 Great Brunswick Street.
 Rooney, Patrick, and Company, 14 Upper Ormond Quay.
 Stewart and Orr, 7 Great Brunswick Street.

Regulations for obtaining Duplicate Office Copies of Court Documents destroyed by fire in Solicitors' Offices during the recent Rebellion in Dublin.

THE Treasury have made arrangements whereby Solicitors who require office copies of documents which were destroyed by fire in their offices in Dublin during the rebellion may in the usual manner bespeak the copy document required, and have the fee fund stamps impressed thereon free of charge. The following form will be supplied at the Stamp Office, Four Courts, for each copy document, and when the copy document has been obtained it should be presented for stamping with this form completed, save the last paragraph. The copy document will then be stamped, and the form will be accepted as cash in payment of the impressed fee fund.

INLAND REVENUE—IRELAND.

TREASURY CONCESSION.

Remission of Fee Stamp Duty on Court Documents destroyed by fire during the rebellion in Dublin, in April-May, 1916.

Short Description of Document.	Title of Cause.

I,....., Solicitor, of, do hereby declare that the original document,

particulars of which are given above, was in my office at..... at the time of the rebellion, and was destroyed by fire in the course of the rebellion. I further declare that the said document was requisite and necessary for use in the.....Court, and I request that the accompanying duplicate of the said document may be stamped withFee Stamps, amounting to..... pounds.....shillings and.....pence, free of charge, in accordance with the terms of the Treasury Concession.

Signature

Address

Dated.....day of....., 191 .

CERTIFICATE OF OFFICER OF THE COURT.

I hereby certify that the accompanying document, which has been marked by me as a duplicate, may be stamped with..... Fee Stamps amounting to.....poundsshillings and.....pence, and I further certify that Fees to this amount were paid on the original document stated above to have been destroyed during the rebellion.

Signature

£ : : Rank.....

Court.....

.....day of.....191 .

I certify that.....Fee Stamps amounting in value to.....pounds..... shillings and.....pence have been impressed on the above-mentioned duplicate document.

..... Superintendent,

Stamp Office, Four Courts,

Issued.....Stamper. Dublin.

£ : :

.....day of.....191 .

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 Sir Ignatius J. O'Brien, Bart., C. ;
Ronan and Molony, L.J.J.)

Porter v. Kirtlan.

June 26th, 1916.—*English Solicitor instructing Irish Solicitor—Agency—Liability of English Solicitor.*

This was an action brought by Mr. Robert J. Porter, Solicitor, of 1 Wellington Place, Belfast, against the defendant, who is an English Solicitor practising at Eastbourne, Sussex; to recover the amount due on foot of a bill of costs for work and labour done and money expended by the plaintiff at the request of the defendant.

In the month of October, 1910, the defendant instructed the plaintiff to bring an action in the Irish King's Bench Division at the suit of Kyl Fyre Ltd., who were clients of the defendant's, against one Thomas Scott of Dublin. The said action was brought to trial, and resulted in a verdict for Kyl Fyre Ltd. on some of the counts, and for Thomas Scott on other counts, and the costs thereof were apportioned, one-fourth to Kyl Fyre Ltd., and three-fourths to Thomas Scott.

On September 16th, 1914, the plaintiff furnished the defendant with a bill of costs in the action of Kyl Fyre Ltd. v. Scott shewing a balance due to the plaintiff of £102 15s. 8d., after giving the defendant credit for a sum of £20 paid during the progress of said action. The plaintiff's claim in the present action was accordingly for £102 15s. 8d., balance of an account due by defendant for professional services rendered and moneys expended by the plaintiff as a Solicitor in and about the business of the defendant and at his request.

The action was tried before Mr. Justice Dodd, without a jury, on 14th May, 1915, and judgment was given for the plaintiff, the Judge holding upon the evidence that there is a recognised custom between English and Irish Solicitors whereby the English Solicitor who instructs an Irish Solicitor to act on behalf of a client of the English

Solicitor is personally liable to the Irish Solicitor for the costs of such proceedings, and that there is also a recognised custom whereby the Irish Solicitor allows to the English Solicitor one-third of the profit costs of such proceedings. His Lordship referred the costs to taxation, and gave judgment in favour of the plaintiff for such sum as may be found due on taxation, less by one-third of the profit costs, and credit to be given for a sum of £20 paid on account. (See GAZETTE of June, 1915, p. 17.)

The defendant appealed to the Divisional Court (Cherry, L.C.J., and Madden and Boyd, JJ.), and that Court reversed the judgment of Dodd, J., holding that the evidence did not establish custom, and that personal liability attached not to the defendant, but to his client, and gave judgment for the defendant.

The plaintiff appealed, and the majority of the Court (Molony, L.J., dissenting) reversed the judgment of the Divisional Court, and restored the judgment of Mr. Justice Dodd with costs, in favour of the plaintiff, the ground of their decision being, apart from any question as to custom, that it was clear from the correspondence in the case it was to the English Solicitor, and not to the client, that the plaintiff gave credit.

COURT OF APPEAL.

(Before Sir Ignatius O'Brien, Bart., L.C. ;
Ronan and Molony, L.J.J.)

Tonge and Taggart, Ltd. v. Mulvey.

April 4, 1916.—*Costs—Half costs—Action for an account—"Action of contract," Order XV.—Order LXV., r. 3.*

This was an appeal from order of Barton, J., making no rule on plaintiff's motion to review taxation.

The writ of summons in this action, issued 29th September, 1914, was endorsed with the following claims:—(1) For an account of all sums of money received by the defendant in the collection of certain debts and accounts which were given to the defendant by the plaintiffs for collection, which debts and accounts the defendant agreed to collect and hand over to the plaintiffs; (2) payment to the plaintiffs of the amount found due;

(3) further or other relief; (4) costs. On Dec. 14, 1914, pursuant to notice of motion dated Dec. 10, 1914, the Court ordered that the defendant should forthwith bring into Chambers the account prayed for in the writ of summons. On Nov. 1, 1915, judgment was given for the plaintiffs for £17 13s. 8d., the amount found by the Chief Clerk to be due to them on the taking of said account, with costs. Upon the taxation of the plaintiffs' costs of the action the Taxing Master was of opinion that as the plaintiffs had recovered less than £20 in the action the provisions of Order LXV., rule 3 applied to the case, and he accordingly disallowed half of the plaintiffs' costs.

In his statement of his reasons for such disallowance the Taxing Master relied on *Davis v. Baird*. (1904), 4 N. I. J. R. 233, 38 I. L. T. R. 157. The plaintiffs then moved before Barton, J., for an order that the Taxing Master should review his taxation of their bill of costs, and should be directed to tax the said costs on the basis that O. LXV., r. 3, did not apply to an action of the nature of the present action. Barton, J., held that the action was an "action of contract" within the meaning of the rule, and refused the application to review the taxation.

The plaintiffs appealed.

There was no appearance for the respondent.

In giving judgment allowing the appeal, the Lord Chancellor said—I am sorry that we have not got the assistance of counsel for the respondent. I think that I see my way fairly and clearly to a decision which does not correspond to that arrived at by Barton, J., but at the same time I wish in my judgment to guard myself against being taken to have laid down the propositions of law pressed upon us by Counsel for the appellant in his argument. I see grave difficulty in acceding to that argument to the full extent. The writ in the present case was endorsed as follows:— [His Lordship read the endorsement.] An order for the taking of an account was made under O. XV. on Dec. 14, 1914, and the Chief Clerk by his certificate filed June 25, 1915, found that £17 13s. 8d. was due by the defendant to the plaintiffs. On Nov. 1, 1915, an order was made by Barton, J., that the plaintiffs should recover that sum with

costs, so that the right of the plaintiffs to recover that sum with costs irrespective of any jurisdiction to restrict the amount of costs has been determined in the plaintiffs' favour. The next question is whether this is "an action of contract" in which a sum less than £20 has been recovered. Barton, J., influenced by the facts that the total to which the plaintiffs could make a claim was only about £54, and that having regard to the payments made by the defendant that total would be reduced to a smaller amount, was of opinion that r. 3 of O. LXV. applied to the case. During the argument I expressed the opinion that by a mere juggle in the endorsement on the writ a common law action could not be expanded into a Chancery suit so as to get out of the terms of O. LXV., r. 3. In the present case I am satisfied on reading the correspondence exhibited in the affidavit on which the order for an account was obtained, that there did exist between the plaintiffs and the defendant the relationship of principal and agent, that the agent had refused to account, and that that was such an account as the plaintiffs would be entitled to enforce in an action of account, and that therefore when Barton, J., made an order for an account he determined that this was not an action of contract but of principal and agent, a relationship of *quasi* trustee and *cestui que trust*. Having decided that, he still, I think, retained the absolute jurisdiction, when the case came before him again, to exercise his discretion with regard to costs, which might have had the effect of depriving the plaintiff of costs. But he did not exercise that discretion. I give judgment on the basis that this action was one for an account as distinct from a money claim. I cannot agree with the view taken by Barton, J., and I think that the appeal must be allowed. I must not be taken as expressing any view in my judgment which would encourage plaintiffs to bring money claims in a Chancery form.

Ronan, L.J.—I am of the same opinion. I think that the real state of things prior to the Judicature Act was, that actions of account were exclusively brought in the Court of Chancery. Barton, J., thinks that every action based on contract is within r. 3 of O. LXV. I differ. That rule was taken from s. 243 of the Common Law Procedure

Amendment (Ir.) Act, 1853 (16 & 17 Vict., c. 113), which had nothing to say to an action of account. My Lord Chancellor has referred to the substance of this case, and has come to the conclusion that it was really brought for an account, and is not a disguised money claim. I entirely agree with my Lord Chancellor. It would have been quite competent for Barton, J., to make an order limiting the plaintiffs' costs as he thought fit, but he did not do so.

Molony, L.J.—I am also of opinion that O. LXV., r. 3, does not apply to the facts of this particular case. The plaintiffs were clearly entitled to an account. O. LXV., r. 3, has application to the case of a money demand. In this case before the action was instituted the plaintiffs made six applications, from June 6 to July 21, 1914, to the defendant for an account, but they did not issue the writ until Sept. 15, 1914. An account was necessary, and it was necessary for them to proceed as they did. Under the circumstances O. LXV., r. 3, does not apply. I also agree that the judge had jurisdiction to restrict the costs, but he did not do so.

(Reported *I.L.T.R.*, Vol. L., 89.)

CHANCERY DIVISION.

(Before O'Connor, M.R.)

In re the Ardtully Copper Mines, Ltd.

Nov. 22, Dec. 17, 1915.—*Solicitor—Lien for costs incurred by limited company before winding-up orders—Priorities.*

Mr. Lane-Joynt acted as Solicitor for the Ardtully Copper Mines Company from its incorporation until the date of an order to wind up the Company, and as such Solicitor he held certain documents belonging to the company, including an agreement for a lease of certain mining rights. Pursuant to an order of the Court he lodged these documents in Court without prejudice to his lien thereon for costs. The official liquidator entered into an agreement with an intending purchaser for the sale to him of the mining rights comprised in the said agreement for a lease, and obtained from him a deposit of £50. The intending purchaser did not proceed with the purchase, and his deposit was forfeited by him, and thus became assets of the company. The official liquidator applied by summons for an order that the money

realised by the sale of certain chattels, together with money already in the hands of the liquidator (including the amount of the said deposit) might be retained by him to pay the solicitor's costs of the winding-up petition, solicitor's costs as solicitor for the liquidator, and the liquidator's remuneration. Mr. Joynt applied that before any payment be made out of the assets his claim for costs should be satisfied in priority to all other claims whatsoever.

O'Connor, M.R., in delivering judgment, said.—The question raised in this case was argued with great vigour on both sides, and although the amount involved is small, the question raised is so important that I reserved judgment thereon. Mr. Joynt was acting as solicitor for the company before the liquidation commenced, and as such solicitor he held certain documents belonging to the company, including the agreement for a lease dated July 15, 1911. On Aug. 7, 1912, an order was made that Mr. Joynt should lodge these documents in Court without prejudice to his lien thereon for costs, so that an intended sale of the company's undertaking might be carried out. The sale did not, however, go through, and the intending purchaser forfeited his deposit of £50. After deducting certain expenses, £40 17s. 6d. of the deposit remains in the hands of the official liquidator, and Mr. Joynt claims this £40 17s. 6d. by virtue of his lien. In my opinion the agreement for a lease was an essential and necessary document in the transaction of the intended sale. Mr. Joynt lodged this document under an order which preserved his lien thereon, and the Court must keep faith with him, and I therefore decide that this £40 17s. 6d. is, in the first place, applicable towards Mr. Joynt's costs when taxed. Subject to Mr. Joynt's claim on foot of his lien the assets of the company will be applicable to the payment of the liquidator's costs and remuneration, and as these will exhaust the assets no further proceedings are to be taken on the liquidator bringing in an affidavit of receipts and disbursements. Mr. Joynt will get his costs of this summons with his demand, that is to say, out of the £40 17s. 6d., the liquidator will have his costs of this summons as part of his costs in the matter.

(Reported *I.L.T.R.*, Vol. L., 95.)

Examination Results.

At the Intermediate Examination for Apprentices to Solicitors, held upon the 3rd July, the following passed the Examination :

CLASS I.

1. James Reilly.
2. Patrick A. Arkins.
3. Robert J. Sweeny.
4. Edward Fitzgerald.
5. John J. Bolger.
6. Robert C. Bathurst } equal.
- Harry B. Bell }
8. Timothy Byron } equal.
- William F. Quinlan }
10. James F. Crotty.
11. Francis J. Byrne.
12. John J. W. Morrin.

CLASS II.

1. James G. O'Connor.
2. Richard D. F. Johnson.
3. John S. Conroy.
4. Kevin C. Higgins.
5. Sydney Exshaw.
6. Patrick Marron, junior.
7. Thomas J. Dunne } equal.
- Charles K. Murphy }
9. John A. O'Connell.
10. Philip J. O'Sullivan.
11. Gerald Maguire.
12. Thomas Healy.
13. William J. Clerke.
14. Cecil P. Moore.
15. Michael A. Conroy.

Twenty-nine candidates attended : twenty-seven passed ; two were postponed.

New Solicitors.

The following were admitted during July, 1916 :—

Name	Served Apprenticeship to
Argue, William Henry	Thomas H. Williams, Sligo.
Coffey, Timothy P. ...	John Mackay, Dundalk, and Patrick J. Kerley, Dundalk.
Conroy, Laurence A. ...	Patrick S. Golding, Balinasloe.
Coolican, Edward Vincent	Michael V. Coolican, Balina.
Creed, Jeremiah John ...	William J. Dunlea, Cork.
Gleeson, Lughaidh P. ...	Francis J. Little, Dublin, and John Gaynor, Moate.
McGovern, John Paul ...	Jas. Cooper, Enniskillen.
Skelton, William L. ...	Robert J. Porter, Belfast.

Dates of October Examinations.

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

October 5th and 6th.—Preliminary (notices of intending candidates to be lodged in Secretary's Office before 20th September.)

October 9th.—Intermediate (notices of intending candidates to be lodged in Secretary's Office before 25th September.)

October 10th, 11th and 12th.—Final (notices of intending candidates to be lodged in Secretary's Office before 23rd 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, 1916 :—

October 27, 31.

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

December 1, 5.

Books recommended to be read by Apprentices attending the lectures.—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 on the following dates in Michaelmas Sittings, 1916 :—

October 26, 30.

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

December 4.

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

Solicitors' Apprentices' Debating Society.

THE following have been elected officers of the above Society for the Session 1916-17:—*Auditor*, P. J. Rutledge; *Secretary*, E. J. Duffy, B.A.; *Treasurer*, Barry Sullivan; *Committee*, John Foley (ex-Auditor), G. N. Reddin, R. Sweeney, B.A.; P. H. O'Reilly, K. S. Reddin, J. Fagan, and J. J. Early.

The following distinctions have been awarded for 1915-16 Session:—*Oratory*—Incorporated Law Society's Gold Medal, Barry Sullivan; Society's Silver Medal and Incorporated Law Society's Special Certificate, John O'Hanrahan; Incorporated Law Society's Special Certificate, G. N. Reddin. *Legal Debate*—President's Gold Medal, P. J. Rutledge; Society's Silver Medal, G. N. Reddin. *Impromptu Speeches*—Cussen Gold Medal and Sir George Roche Prize, P. J. Rutledge; Cussen Silver Medal, Barry Sullivan.

Notice.

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.

Calendar of the Incorporated Law Society, 1916.

THE Calendar and Law Directory published by the Society for 1916, can be obtained in the Secretary's Office, price 3s., or by post 3s. 5d.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 5.]

November, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	31
Council Meetings	32
Committee Meetings	32
Ballot for Election of the Council	32
General Meeting of the Society	32
Obituary	32
Roll of Honour	33
New Members	33
Legal Appointments	33
New Solicitors	34
Law and Procedure (Emergency Provisions) (Ireland) Act, 1916	34
Rules under the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916	35
Wills of Soldiers and Sailors on Active Service	36
Unqualified Person acting as a Solicitor	36
Results of Examinations	37
Findlater Scholarship	37
Dates of Examinations	37
The County and City of Limerick Sessional Bar Association	37
County Tipperary and King's County (Birr Division) Sessional Bar Association	38
The Winter Assizes	38

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November, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

October 4th.

The late Lieutenant Macnamara.

A resolution was passed expressing the sympathy of the Council with their colleague Mr. R. A. Macnamara in his bereavement, his son Lieutenant Macnamara, Royal Dublin Fusiliers, having been killed in action.

The late Mr. St. Lawrance-Burke.

A resolution was passed expressing the sympathy of the Council with Mrs. St. Lawrance-Burke in her bereavement, owing to the death of her husband Mr. Stephen St. Lawrance-Burke, Provincial Delegate for Connaught on the Council.

Property Losses Committee.

Correspondence was submitted with the Property Losses Committee and with the Chief Secretary's Department on the subject of the sending of drafts in discharge of claims to the Solicitor in cases where the claim has been lodged by a Solicitor on behalf of a client, with the result that the Chief Secretary's Department agreed to the request of the Council that this course would be adopted.

Solicitors (Ireland) Act.

The Secretary reported that he had attended in Belfast upon 22nd. September on the hearing of the case of the Society *v.* Knox, before the Recorder of Belfast, being proceedings for recovery of a penalty from

defendant under the Solicitors (Ireland) Act he being an unqualified person and having acted for a defendant at Petty Sessions. A decree for the statutable penalty of £50 was granted.

Certificates.

An application by a Solicitor for renewal of his Certificate was granted.

October 18th.

The late Lieutenant J. K. M. Greer, M.C.

A resolution was passed expressing the sympathy of the Council with their colleague, Mr. T. M. Greer, Provincial Delegate for Ulster, on the death of his son, Lieutenant J. K. M. Greer, M.C., the Irish Guards, having died of wounds received in action.

Rules under Emergency Acts.

A letter was read from the Lord Chancellor's Secretary expressing his Lordship's thanks to the Council for their suggestions made in response to his request for provisions to be contained in rules under the Courts (Emergency Powers) (No. 2) Act, 1916, and the Law and Procedure (Emergency Provisions (Ireland) Act, 1916.

Law Clerks.

Reports were submitted from the Court of Examiners upon applications from three Law Clerks for leave to be bound under Section 16. The Council granted two of the applications and refused the third.

Examination Result.

The report from the Court of Examiners upon the October Intermediate Examination was submitted and adopted.

Library.

The Council appointed Mr. Thomas B. Cooley, Assistant in the Secretary's Office, to be Library Clerk, in room of Mr. Samuel W. Evans.

Council Meetings.

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

November 15th and 29th.
December 6th and 13th.

Committee Meetings.

THE following Committee Meetings were held during October:—

Court of Examiners, 2nd, 17th and 30th.
Costs, 13th.
House, Library and Finance, 16th and 27th.
Annual Report, 25th.

Ballot for Election of the 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 Tuesday, the 21st day of November, 1916.

Ballot papers returned by post should be posted so as to reach the Secretary not later than one o'clock p.m. on Tuesday, the 21st day of November, 1916.

General Meeting of the Society.

THE Half-yearly General Meeting of the members of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, on Monday, the 27th day of November, 1916, at two o'clock p.m. The report of the outgoing Council will be submitted for adoption.

Obituary.

MR. ARTHUR T. FARRELL, Solicitor, Portadown, died upon the 5th August, 1916.

Mr. Farrell served his apprenticeship with Mr. William H. Atkinson, Portadown, was admitted in Trinity Sittings, 1887, and practised at Portadown.

MR. ALEXANDER P. FOOTT, Solicitor, died upon the 7th August, 1916, at Ashton Place, Blackrock Road, Cork.

Mr. Foott served his apprenticeship with the late Mr. Henry Fitzsimons, 75 South Mall, Cork, was admitted in Michaelmas Term, 1854, and practised (in partnership with his son, Mr. A. G. Foott, under the style of Messrs. A. P. Foott and Son) at 13 South Mall, Cork.

MR. EDWARD V. COOLICAN, Solicitor, Ballina, died upon the 21st August, 1916.

Mr. Coolican served his apprenticeship with his uncle, Mr. Michael V. Coolican, Ballina, was admitted in Trinity Sittings, 1916, and practised at Ballina.

MR. ROBERT ELDER, Solicitor, Athlone, died upon the 22nd August, 1916, at Dublin.

Mr. Elder served his apprenticeship with Mr. Hutchinson Davidson, Ballinasloe, was admitted in Easter Sittings, 1903, and practised at Athlone.

MR. STEPHEN ST. LAWRENCE-BURKE, Solicitor, died upon the 14th September, 1916, at his residence, The Abbey, Roscommon.

Mr. Burke served his apprenticeship with his father, the late Mr. Joseph Burke, Roscommon, was admitted in Trinity Sittings, 1891, and practised (under the style of Messrs. Joseph Burke and Son) at Roscommon.

Mr. Burke was a member of the Council during the years 1907 and 1908, and was Provincial Delegate for Connaught in 1915 and 1916.

MR. JOHN MACKEY, Solicitor, died upon the 15th September, 1916, at Dublin.

Mr. Mackey served his apprenticeship with the late Mr. William Martin, Ramelton, was admitted in Hilary Sittings, 1878, and practised formerly at Ramelton and recently at 21 Upper Ormond Quay, Dublin.

Mr. Mackey was appointed Sessional Crown Solicitor for the County of Donegal in the year 1884, which office he held until the year 1915, when he resigned.

MR. EDWARD O'HAGAN, Solicitor, died upon the 26th September, 1916, at his residence, Church Place, Portadown.

Mr. O'Hagan served his apprenticeship with Mr. John Malone, Cookstown, was admitted in Trinity Sittings, 1901, and practised at Portadown.

MR. GERALD BYRNE, Solicitor, died upon the 20th October, 1916, at his residence, 96 Upper George's Street, Kingstown.

Mr. Byrne served his apprenticeship with the late Mr. Henry Watson, 18 Eustace Street, Dublin, was admitted in Michaelmas Term, 1873, and practised (latterly in partnership with his nephew, Mr. E. H. Burne, and his sons, Mr. G. A. G. Byrne and Mr. Wm. J. Byrne, under the style of Messrs. Gerald Byrne and Company) at 7 Lower Ormond Quay, Dublin.

Mr. Byrne was a member of the Council from 1902-15, and was President of the Society in 1911-12.

MR. JOSEPH MCILWAIN, Solicitor, died upon the 31st October, 1916, at his residence, 50 Brookvale Avenue, Belfast.

Mr. McIlwaine served his apprenticeship with Mr. Daniel McCartan, Downpatrick, was admitted in Hilary Sittings, 1901, and practised (formerly in partnership with the late Mr. W. B. Galway) under the style of Messrs. Galway and McIlwaine, at Belfast.

Roll of Honour.

MAJOR THOMAS J. ATKINSON, Solicitor, of the Royal Irish Fusiliers, was killed in action on the 1st July, 1916.

Major Atkinson was admitted in Michaelmas Sittings, 1906, and practised (in partnership with Mr. G. P. Girling, under the style of Messrs. Carleton, Atkinson and Sloan) at Portadown.

SECOND-LIEUTENANT ROBERT STANTON, Solicitor, of the Royal Dublin Fusiliers, has been reported as killed in action on 9th August, 1915.

Second-Lieutenant Stanton served his apprenticeship with his father, Mr. John Stanton, 47 South Mall, Cork, was admitted in Michaelmas Sittings, 1908, and practised in partnership with his father (under the style of Messrs. John Stanton and Son) at 47 South Mall, Cork.

CAPTAIN SAMUEL C. WEBB, Solicitor, Royal Munster Fusiliers, was killed in action in the month of October, 1916.

Captain Webb served his apprenticeship with Mr. Henry MacDermot, Boyle, was admitted in Trinity Sittings, 1908, and practised at Kilkenny.

LIEUTENANT JAMES K. MACG. GREER, M.C., Solicitor's Apprentice, of the Irish Guards, died in the month of October of wounds received in action.

Lieutenant Greer was apprenticed on the 2nd August, 1912, to his father, Mr. Thomas M. Greer, Ballymoney, County Antrim.

New Members.

THE following joined the Society since July, 1916 :—

Coffey, Timothy P., Dundalk.
 Foley, John, Bagenalstown.
 Loughrey, Patrick V., Birr.
 McGarvey, Patrick J., Portadown.
 Neilan, Patrick J., Roscommon.

Legal Appointments.

MR. ROBERT LONSDALE, Solicitor, Manorhamilton, has been appointed to the Office of Clerk of the Crown and Peace for County Leitrim, in room of Mr. Richard Allen, resigned.

MR. ROBERT A. CORSCADDEN, Solicitor, has been appointed to the Office of Crown and Sessional Crown Solicitor for the County of Leitrim, in room of Mr. Robert Lonsdale, appointed to the office of Clerk of the Crown and Peace.

MR. JAMES POE, junior, Solicitor, Kilkenny, has been appointed Probate District Registrar for Carlow, Kilkenny, and Queen's Counties, in room of his father, Mr. James Poe, resigned.

New Solicitors.

THE following were admitted during the months of August, September, and October, 1916 :—

Name	Served Apprenticeship to
Devlin, James Duff ...	John Malone, Cookstown.
Gaynor, John J. ...	James Murphy, and John M. Maxwell, 40 North Great George's Street, Dublin.
Kenny, Henry John ...	Patrick J. Kenny, Waterford; R. Stephenson, 30 Molesworth Street, Dublin, and E. S. Lowe, 65 Lower Gardiner Street, Dublin.
Murphy, John Charles Joseph	M. M. Murphy, Kilkenny; T. F. O'Brien, Clonmel, and A. T. Ellis, 15 Upr. Ormond Quay, Dublin.
McGarvey, Patrick Joseph	T. J. S. Harbison, Cookstown.

Law and Procedure (Emergency Provisions) (Ireland) Act, 1916.

An Act to amend the Law and the Procedure of Civil Courts in Ireland, in relation to conditions arising out of the recent disturbances in that country.

[23rd August, 1916.]

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.—(1) The period commencing on the beginning of the twenty-fourth day of April nineteen hundred and sixteen and ending at the end of the eighth day of May nineteen

hundred and sixteen shall not be reckoned, and shall be deemed never to have been reckoned, in computing the times limited for the doing of any act or the taking of any proceedings in any court in Ireland, and where any such act or proceeding is directed or allowed to be done on a certain day, if that day was a day within the period aforesaid, the act or proceeding shall be considered as done or taken in due time if it was done or taken before the end of the ninth day of May nineteen hundred and sixteen.

(2) Where the court is satisfied on an application made within the prescribed time and in the prescribed manner that by reason of the recent disturbances in Ireland any person has been or is unable to do an act or take a proceeding within the time limited in that behalf by any statute, order, rule, regulation, deed, or agreement, the court may grant such extension of time and such further or other relief upon such terms and in such manner as appears to the court to be equitable.

(3) Where any original document required to be filed, enrolled or lodged in any public office has been lost or destroyed in the course of the recent disturbances in Ireland, the High Court or a judge of that court may on the application of any person interested by order authorise the filing, enrolment or lodgment of a properly authenticated copy of the document in lieu of the original within such time as may be fixed by the order, and that copy shall thereupon be deemed to be the original for all purposes and to be duly filed, enrolled or lodged if filed, enrolled or lodged within the time so fixed.

(4) Subject to rules made under this Act the powers and jurisdiction of the High Court with respect to the perpetuation of testimony shall extend to and may be exercised for the perpetuation of the testimony afforded by any muniment of title or other document which has been lost, destroyed or damaged in the course of the recent disturbances in Ireland whether the right or claim of the person instituting proceedings is a present right or claim or depends upon the happening of some future event.

(5) Subsections (2) and (3) of section one of the Courts (Emergency Powers) Act, 1914,

shall be amended by the insertion of the words "or to the recent disturbances in Ireland" after the words "present war" wherever the latter words occur in those subsections.

(6) No claim for compensation under any of the enactments relative to compensation for criminal or malicious injuries shall lie against a local authority in respect of any injury to person or property sustained in the course of the recent disturbances in Ireland.

(7) In any action or proceeding for the recovery of a deed or other document, or for damages for its loss or non-production, it shall be a sufficient defence if it is proved that the deed or other document, being at the time of the commencement of the recent disturbances in Ireland in the possession or under the control of a person entitled to have the possession or control thereof, was lost or destroyed in the course and as a result of those disturbances.

(8) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving full effect to the provisions of this Act.

(9) This Act shall not apply to criminal matters or proceedings.

(10) In this Act, unless the context otherwise requires,—

the expression "the court," as respects matters and proceedings pending in the county court and as respects matters and proceedings within the jurisdiction of the county court and not pending in any other court, means the county court; as respects matters and proceedings pending in a court of quarter sessions, means the court of quarter sessions; and as respects all other matters and proceedings, means the High Court or a judge of that court; and

the expression "prescribed" means prescribed by rules under this section.

2. This Act may be cited as the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, and shall apply to Ireland only.

Rules under the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916.

Lord Chancellor's Office,

Four Courts, Dublin.

Whereas, by Section 1 (8) of the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, it is provided that the Lord Chancellor may make rules for the purpose of giving effect to the said Act.

Now I, the Right Honourable Sir Ignatius J. O'Brien, Bart., Lord Chancellor of Ireland, in pursuance of the said Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, and all other powers thereunto me enabling, do hereby make the Rules hereinafter set forth, and do direct that said Rules shall come into operation forthwith.

(Signed), IGNATIUS J. O'BRIEN, C.

Dated this 3rd day of November, 1916.

We, being two of the Commissioners of His Majesty's Treasury, concur in the above Order.

(Signed), WALTER R. REA.
GEO. H. ROBERTS.

1 (1). For the purposes of Section 1 (2) of the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, the Court to which application is made shall be in the case of any proceedings pending in any Court on the Twenty-fourth day of April, 1916, the Court in which such proceedings were then pending, and in all other cases shall be the High Court of Justice, Chancery Division.

(2). Applications under said Sub-section shall be made in the case of any proceedings pending by summons, and in all other cases by way of Originating Summons.

(3) Applications under said Sub-section shall be made within one year from the passing of the Act.

2. For the purposes of Section 1 (3) of the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, the applications under said Sub-section shall be made by way of Originating Summons, to be entitled in the matter of the application and of the Act.

3 (1). For the purposes of Section 1 (4) of the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916, the Court to which application is made shall be the High Court of Justice, Chancery Division.

(2). Applications under said Sub-section shall be made by way of Originating Summons; but in any case where on the hearing of such Summons the Court is of opinion that proceedings ought to have been instituted by Writ of Summons, the Court may, on such terms as it may think just, stay the proceedings and direct same to be taken by Writ of Summons.

4 (1). No fees shall be payable or taken on proceedings commenced by Summons or Originating Summons, but in all proceedings by Writ of Summons the schedule of fees in force for the time being shall apply.

(2). The costs of proceedings under the Act shall be regulated by the Scale of Costs in force for the time being for analogous proceedings in the High Court.

5. These Rules, or any of them, should subsequent circumstances render it just so to do, may at any time be rescinded; revoked, amended or varied.

6. These Rules may be cited as the Law and Procedure (Emergency Provisions) (Ireland) Rules, 1916.

Wills of Soldiers and Sailors on Active Service.

ATTENTION is drawn to the provisions of the Wills Act, 1837, in relation to the making of wills of soldiers and sailors on active service. By the Common Law anyone over the age of 14 years could make a will disposing of his personal property. Section 7 of the Wills Act, 1837, provides that "no will made by any person under the age of twenty-one years shall be valid"; and Section 9 of the Act provides for signature in presence of two witnesses, etc.

Section 11 of the same Act is in the following terms:—"Provided always, that any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act."

Accordingly, a soldier in actual military service, and a mariner or seaman at sea (but in regard to the latter subject to certain provisions contained in the Navy and Marines

(Wills) Acts, 1865 and 1897, and the Merchant Shipping Act, 1894) can, if of the age of 14 years or upwards, dispose of his personal estate, either by a will nuncupative or in writing unsigned and unattested.

Unqualified Person acting as a Solicitor.

Before HIS HONOUR JUDGE WALKER CRAIG,
Recorder of Belfast.

*The Incorporated Law Society of Ireland v.
Knox.*

22nd September, 1916.

THIS was an action brought by the Incorporated Law Society of Ireland under the 52nd Section of the Solicitors (Ireland) Act, 1898, against Andrew Knox, 2 Brunswick Villas, Henderson Avenue, to recover £50 for acting as a solicitor when the defendant was unqualified to do so in a case heard before justices at Crumlin on the 29th of May, 1916. The proceedings were brought with the sanction of His Majesty's Attorney-General for Ireland.

Mr. W. Hume (instructed by Mr. W. G. Maginess) appeared for the plaintiffs, and Mr. Wm. Beattie (instructed by Mr. George M'Cracken) appeared for the defendant.

In stating the case, Mr. Hume said the lowest penalty for the offence, which was admitted, was £50.

Mr. Beattie said he had advised the defendant that the latter had no answer to the action. Mr. Knox did act as a solicitor on the occasion referred to, and there was nothing for him but to submit to a penalty.

The defendant, who then entered the witness box, said he was Honorary Secretary of the Belfast Branch of the Anti-Vaccination Society, and as such appeared under written authority in vaccination cases. He had never before appeared in any case under the Public Health Act. On this occasion he looked upon the Public Health Act as part of the Vaccination Acts. Witness acknowledged he had acted wrongly, and stated that he would never repeat the offence.

His Honour said there was nothing left for him but grant a decree for £50. He knew that the Incorporated Law Society had a great deal of consideration for human error, and, without any observations from him, he

believed they would do what was right and proper. It was a first offence, an offence ignorantly committed, and an offence in the committing of, which the defendant had apparently the sanction of the resident magistrate. They could not, therefore, blame the defendant for not knowing the law when a resident magistrate did not know it.

Results of Examinations.

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

1. Samuel Love.
2. James Morrow.
3. Edward J. Ryan.

William F. Clare passed the modified Preliminary Examination, for which he had liberty to present himself.

Six candidates attended: four passed; two were postponed.

At the Intermediate Examination for Apprentices to Solicitors held upon the 9th October, the following passed the examination:—

CLASS I.

1. John Early.
2. William Devoy.

CLASS II.

John M. Ford.

Six candidates attended: three passed; three were postponed.

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

- | | | |
|--|---|--------|
| <ol style="list-style-type: none"> 1. William J. McCarthy. 2. John O'Hanrahan. 3. Matthew P. Kearney. 4. Joseph P. G. Guy Patrick S. McGrath, B.A., | } | equal. |
| N.U.I. | | |
| <ol style="list-style-type: none"> 6. Austin Cullen. 7. James Meagher, B.A., N.U.I. 8. Francis J. Allen. 9. George H. Pollock. | | |

The Council awarded a Gold Medal to William J. McCarthy and a Silver Medal to John O'Hanrahan.

Ten candidates attended: nine passed; one was postponed.

Findlater Scholarship.

THE Findlater Scholarship for 1916 has been awarded to Jeremiah J. Creed, B.A., N.U.I.

Dates of Examinations.

THE following are the dates of the January, 1917, Examinations:—

January 2nd, 3rd and 4th—Final Examination (notice to be lodged by intending candidates in the Secretary's Office on or before 11th December).

January 8th and 9th—Preliminary Examination (notice to be lodged by intending candidates in the Secretary's Office on or before 18th December).

The County and City of Limerick Sessional Bar Association.

The Fifth Annual General Meeting of this Association was held on the 7th of October, 1916, in the rooms of the Association, at the Court House, Limerick. The following members were present:—Mr. T. H. Kenny (in the chair); and Messrs. M. D. McCoy, J. A. Doyle, C. Ebrill, J. S. Gaffney (Crown Solicitor), J. J. Power, P. T. Liston, B. Barrington, E. Hunt, H. Blackall, and A. Blood-Smyth; the Secretary, Mr. J. J. Dundon, being unavoidably absent. The correspondence having been dealt with, the election of Officers and Committee for the year 1916-17 was proceeded with, with the following result:—

President, John Ryan. *Treasurer*, T. H. Kenny. *Secretary*, J. J. Dundon.

Committee.—B. Barrington, John Condon, Newcastle West; J. J. Dodds, LL.D.; and J. S. Gaffney, Crown Solicitor.

Matters of general interest to the profession having been discussed, the meeting adjourned, after having decided that the Annual Dinner should not take place in view of the war.

County Tipperary and King's County (Birr Division) Sessional Bar Association.

The Half-Yearly General Meeting of the Association was held at Limerick Junction, on the 29th September, 1916, the President (Mr. John O'Dwyer) in the chair, when the result of the ballot for the election of Officers and Committee for the Session 1917 was declared as follows:—

President, John O'Dwyer. *Hon. Treasurer*, Allen H. Morgan. *Hon. Secs.*, T. F. O'Brien and Henry Shannon.

General Committee.—H. T. Sayers, John O'Dwyer, Michael Gleeson, Allen H. Morgan, William Frewen, T. F. O'Brien, J. P. Carrigan, J. J. Kennedy, C. J. Spain, L. J. Ryan, Arnold Power, J. F. Quirke, Henry Shannon.

The Hon. Treasurer submitted his Statement of Account for the past Session, which was adopted.

It was resolved that the sum of £5 5s. 0d. should be paid out of the funds of the Association for the benefit of the wounded of the Royal Irish Regiment, and a similar sum for the benefit of the wounded of the Royal Munster Fusiliers.

Several matters affecting the interests of the members of the Association were mentioned, and referred to the General Committee.

The following resolution, proposed by the President, and seconded by Mr. H. T. Sayers, was adopted with feelings of sincere regret, viz.:—"We, the members of the County Tipperary and King's County (Birr Division) Sessional Bar Association, assembled at Limerick Junction, upon the 29th September, 1916, desire to convey to Mr. Walter Nolan, Clerk of the Crown and Peace, our sincere regret and condolence on the death of his son, 2nd Lieut. J. Bevan Nolan, who was killed in action in the recent fighting in France. He has left behind him an imperishable record of valour and patriotism in the cause of his King and Country; and we beg to assure Mr. Walter Nolan, as Clerk of the Crown and Peace for the County Tipperary, that he possesses in his loss the affection and sympathy of all the members of the County Tipperary and King's County (Birr Division) Sessional Bar Association."

The Winter Assizes.

THE Lords Justices have issued an order governing the holding of the forthcoming Winter Assizes, which are to be held at Dublin, Belfast, and Cork for the Leinster, Ulster, and Munster Assize Counties respectively. The definition of the counties is as follows:—

LEINSTER.

Dublin, Kilkenny, Queen's County, King's County, Meath, Westmeath, Louth, Longford, Wicklow, Kildare, Wexford, Carlow, Galway, Mayo.

ULSTER.

Antrim, City of Belfast, Down, Armagh, Monaghan, Donegal, Londonderry, City of Londonderry, Fermanagh, Tyrone, Cavan, Sligo, Leitrim, Roscommon.

MUNSTER.

Waterford, City of Waterford, Kerry, Clare, Cork, City of Cork, Tipperary (North Riding and South Riding), Limerick, City of Limerick.

MR. STIRLING SEEDS

has joined the Firm of

Messrs. Galway & McIlwaine,

**WHITEHALL BUILDINGS, 13 ANN STREET,
BELFAST,**

which will now be known as

GALWAY, McILWAIN & SEEDS.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 6.]

December, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Half-yearly General Meeting	41
Meetings of the Council	45
Council Meetings	46
Committee Meetings	46
Obituary	46
Roll of Honour	47
New Members	47
Legal Appointments	47
Commissioners to Administer Oaths	47
High Court Sittings, 1917	47
Hilary Sittings Lectures, 1917... ..	47
Recent Decision affecting Solicitors— <i>Hildyard v. McDonald and another</i>	48

THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING 26TH NOVEMBER, 1917.

President :

JOHN W. RICHARDS.

Vice-Presidents :

THOMAS G. QUIRKE.

W. HOUGHTON FRY.

Ordinary Members :

PATRICK J. BRADY, M.P.

WILLIAM S. HAYES.

CHARLES ST. G. ORPEN.

HENRY J. SYNNOTT.

WILLIAM J. SHANNON.

RICHARD A. MACNAMARA.

ARTHUR E. BRADLEY.

THOMAS G. QUIRKE.

JOHN W. RICHARDS.

ARTHUR H. S. ORPEN.

JOSEPH E. MACDERMOTT.

WILLIAM V. SEDDALL.

IGNATIUS J. RICE.

JOHN H. WALSH.

HENRY SHANNON.

JAMES HENRY.

SIR AUGUSTINE F. BAKER.

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JAMES MOORE.

R. BLAIR WHITE.

BASIL THOMPSON.

W. HOUGHTON FRY.

EDWARD H. BURNE.

WILLIAM T. SHERIDAN.

MICHAEL L. HEARN.

PATRICK K. WHITE.

JOHN H. CALLAN.

PATRICK J. MEEHAN, M.P.

EDWIN N. EDWARDS.

LOUIS C. P. SMITH.

Provincial Delegates :

Ulster—THOMAS M. GREER.

Munster—HENRY BLACKALL.

Leinster—MICHAEL BUGGY.

Connaught—HENRY J. CONCANON.

Extra-Ordinary Members :

Northern Law Society.

GEORGE H. QUARRY.

JOSEPH ALLEN.

CHARLES W. BLACK.

JOHN D. COATES.

JAMES L. McDONNELL.

Southern Law Association.

W. GUEST LANE.

WILLIAM H. CORKER.

BARRY C. GALVIN.

ARTHUR JULIAN.

WALTER B. RONAN.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

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[FOR CIRCULATION
AMONGST MEMBERS.

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society was held in the Solicitors' Buildings, Four Courts, on Monday, November 27th. The chair was occupied by Mr. Charles St. George Orpen, President of the Society.

The following members were present:—John H. Walsh (Vice-President); A. H. S. Orpen (Vice-President); Patrick J. Brady, M.P.; H. J. Synnott, W. S. Hayes, R. A. Macnamara, James Henry, A. E. Bradley, J. W. Richards, W. H. Fry, C. G. Gamble, J. E. MacDermott, R. G. Warren, R. Blair White, James Moore; T. G. Quirke, Basil Thompson, W. V. Seddall, W. T. Sheridan, E. N. Edwards, E. H. Burne, P. K. White, Patk. Rooney, James Brady, H. D. Draper, E. S. Lowe, W. J. Ryan, P. M. Seales, Raymond Stephenson, F. S. de V. White, George Collins, G. H. Parkes, W. J. Byrne, G. A. G. Byrne, Edwd. Condell, R. A. O'Brien, Jas. L. Burke, W. H. C. Lloyd, D. B. Dunne, H. R. Maunsell, J. R. Cresswell, J. W. Dyas, R. W. MacNeice, B. R. W. Doran, Sydney Bell, Samuel Kerr, John Read, G. H. Lyster, J. J. Beatty, A. Lloyd-Blood, Chas. Corcoran, M. A. Smyth, H. P. Mayne, B. G. Barton, J. G. Lidwell, P. J. Kavanagh (Cork) M. A. Corrigan, E. J. Kenny, Elliott McNeill, W. J. Ryan, F. V. Gordon, H. C. Neilson, J. P. Collins, G. M. Porter, C. B. W. Boyle, E. S. Lowe (Jun.), D. A. Quaid, J. W. Davis, W. J. M. Coulter, Charles Daly, A. T. Ellis, T. F. Figgis.

THE SECRETARY (Mr. W. G. Wakely) read the notice convening the meeting, also the minutes of the Half-yearly General

Meeting held last May, which latter were signed by the President, who also signed the audited accounts.

THE SECRETARY then read the Report of the Scrutineers of the ballot for election of Council for year ending 26th November, 1917, which stated that the following had been returned unopposed as Provincial Delegates:—Thomas M. Greer, for Ulster; Henry Blackall, for Munster; Michael Buggy, for Leinster; and Henry J. Concanon, for Connaught; and that the following, having received the number of votes placed after their names, had been elected as the thirty-one Ordinary Members of the Council:—Patrick J. Brady, M.P., 293; William S. Hayes, 278; Charles St. G. Orpen, 263; H. J. Synnott, 261; W. J. Shannon, 259; R. A. Macnamara, 253; A. E. Bradley, 245; T. G. Quirke, 244; J. W. Richards, 240; A. H. S. Orpen, 238; J. E. MacDermott, 235; W. V. Seddall, 235; I. J. Rice, 234; J. H. Walsh, 232; Henry Shannon, 230; James Henry, 227; Sir A. F. Baker, 222; R. G. Warren, 213; C. G. Gamble, 205; James Moore, 205; R. Blair White, 193; Basil Thompson, 192; W. H. Fry, 192; E. H. Burne, 182; W. T. Sheridan, 177; M. L. Hearn, 177; P. K. White, 165; J. H. Callan, 158; P. J. Meehan, M.P., 156; E. N. Edwards, 154; L. C. P. Smith, 153; and the following to form a supplemental list to fill vacancies:—Patrick Rooney, 141; A. W. Stirling, 123; and James Brady, 118.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said:—We meet here once again, and we are still under the shadow of the great war.

The end is not in sight, but I sincerely hope that by this time next year, when my successor comes to address you, we may have received, and be in enjoyment of, the blessing of peace. In these days of anxiety, sorrow and stress it is hard—I find it almost impossible—to think of anything except the war. Nothing else seems to matter, everything else seems so small and unimportant compared with the gigantic issues that are being fought out on the battle plains of Europe. It is our duty, however, to-day to come down to the more or less prosaic facts of life, and especially such facts as affect our honourable profession.

Obituary.

Death has been amongst our brethren. We deplore the loss of such men as Mr. Gerald Byrne, who was for many years a most influential member of our Council, and in the year 1911-12 was our President. His was a well-known figure in Dublin, and there were many sad hearts the day that Gerald Byrne passed away. Every member on the Council knows what a loss we and the Solicitors' profession sustained when Mr. James Murphy was taken from us. He was one of our most active members, and his sound judgment was always at the disposal of his colleagues. We have also lost Mr. John A. French, President 1893-1894, and Mr. Stephen St. Laurance Burke, who was for many years a member of our Council. Our profession is all the poorer for the loss of such men.

Turning to the Report. The first item that I would wish to refer to is

The Government of Ireland Act.

The Council has no politics, so you need not be afraid of my saying anything injudicious. The Council only considered the Act in connection with the proposed exclusion of the six Northern Counties, and as to how such exclusion would affect Irish Solicitors, and the powers of the Incorporated Law Society. The Report tells you of my visit to London, and my interview with Sir Edward Carson and Mr. John Redmond. At present—*just at present, at any rate*—proposed exclusion, and such like, have become “a wash-out.”

But these things may come up again. There is always something new coming up in Ireland. You may rely on it that your Council will carefully watch the interest of your profession, and will endeavour to guard against any enactment which would, in any way, impair the unity of the profession in Ireland or decrease the jurisdiction of the Society.

You will note in the Report that reference is also made to

The Law and Procedure Emergency Act.

The draft of the Bill was sent to the Council for their observations, and we endeavoured to give the Government every assistance we could in the framing of the Act. I am not sure that, on former occasion, it has been the practice of the Government to consult your Council in any way in reference to proposed legislation. It appears to me to be a procedure that has much to recommend it. There is no man better able to judge than a Solicitor of the practical application of an Act of Parliament. The Solicitor sees the actual working of the Acts every day of his life. He knows what is wanted, and he knows how difficulties may be met. I trust that in this matter we gave the Government some little assistance, and, speaking on behalf of the Council, I may say that we are always ready and willing to do so.

Measuring of Costs.

This is a matter in which, in my opinion, all Solicitors should stand together. You will find in the Report a copy of the resolution passed by the Council. This resolution is to the effect that “It is the duty of a Solicitor for an unsuccessful litigant (in an interlocutory motion) not to apply to the Court to measure the costs, unless under special circumstances, and, if he do so apply, he should state specifically the special circumstances relied on.” The Bar Council have passed a similar rule for the guidance of their members, and, as far as I can see, measuring of costs in interlocutory motions will cease if only the members of our profession will stand together. The Council earnestly press on all Solicitors, young and old, the absolute necessity for concerted action in a matter such as this. Let us be loyal to one another

and loyal to our profession, and you will find that the Bench and Bar will respect us, and, I will venture to say, will be afraid to run counter to us!

Benchers' Meetings.

As many of you are aware our profession and the public suffered considerable inconvenience owing to the fact that the Benchers' Meeting on the eighth day in each Sittings took place at 11 o'clock. The result was that if a case appeared in the list on that day, the Solicitors and the parties interested had to be in Court shortly after 11 o'clock, as no one could say how long the Benchers' Meeting would take. If the meeting was prolonged, the business of the Court might not be taken up until 12 o'clock, 12.30, or perhaps later.

Your Council, on more than one occasion, made suggestions with the object of remedying this inconvenience, and I am pleased to say that the matter has now been finally disposed of. The Benchers' Meeting on the eighth day of each Sittings will now take place at 3.30 p.m.

Unqualified Persons Acting as Solicitors.

You will see in the Report that, during the last twelve months, we have successfully prosecuted two unqualified practitioners. Your Council are determined to safeguard the interests of our profession. This can only be done satisfactorily if our brethren in the country keep their eyes open, and report to the Council cases of illegal practising that come under their notice. You may rest assured that all cases brought before the Council have been, and will be, most carefully considered, and that wherever the evidence warrants a prosecution proceedings will be taken, and the guilty party will be made to bear the penalty.

The War.

I have left until the end the part of our Report which refers to the casualties that have occurred amongst our soldier Solicitors and Apprentices, and to the distinctions which they have won. I did this advisedly, for I felt that once I began to speak on this subject I would find it quite impossible to

return to other subjects dealt with in the Report. We are proud of what the soldier Solicitors have done: 113 Solicitors and 71 Apprentices have joined the Army since the outbreak of the war; 12 Solicitors and 6 Apprentices have given their lives for us. Many have been wounded, including my old friend Captain Frank Crozier; he has been wounded twice—in Gallipoli and recently in Salonika. He is now in hospital in London, and I am happy to say that the latest reports are that he is well on his way to recovery. We are proud of these men, and we are proud of the distinctions that Solicitors and Apprentices have won. Here are some of the distinctions:—D.S.O.—Captain John D. McCallum, R.I.F., Solicitor. Five Military Crosses—Capt. J. J. Kavanagh, Connaught Rangers, Apprentice (Capt. Kavanagh was also awarded the Grand Cross of the Legion of Honour); Capt. A. M. Dunlea, R. I. Regiment, Solicitor; Capt. Victor H. Parr, R. Inniskillings, Apprentice; Lieut. J. K. McGregor Greer, Irish Guards (since died of wounds), Apprentice; 2nd Lieut. R. W. McGonigal, R. Gar. Artillery, Apprentice. Distinguished Conduct Medal—Sergt. Arthur C. Crookshank, D Company, 7th Batt., R.D.F., Apprentice (*killed in action*). Is not this a list to be proud of, and what are we to say with reference to those who have gone out and died for us? *Have they not died the grandest death a man can die—a death for others?* It is those who have been left behind to mourn their loss that deserve our sympathy—the poor lonely father or mother, the wife, the sister, the brother, or the child. Their hearts are sad and lonely. May God comfort them. But as for those who have died fighting for their country, they died for others; they followed the supreme example:

“Greater love hath no man than this; that a man lay down his life for his friends.”

MR. JOHN H. WALSH (Vice-President) seconded the motion for the adoption of the Report.

MR. PATRICK ROONEY said:—If I might be permitted I would like to say a few words on that portion of the Report which deals with the losses suffered by certain Solicitors in Dublin during the Easter week disturbances. The Solicitors who suffered

formed themselves into a Committee, and elected me their Chairman; and Mr. R. N. Matheson their Secretary. In the first place we wish to acknowledge the efforts of your Council to assist us and to assist our clients by helping us to replace the documents destroyed in our offices. We regret, as I am sure your Council regret, that your efforts have not been more successful. In connection with this I think the public should know that we Solicitors have received less compensation than any other class of sufferers. We have been paid for the loss of our office furniture as all other sufferers have, but we have not and will not receive one penny for the loss of our records and entries which, as you all know, form the most valuable portion of our stock in trade. In the second place we wish to acknowledge with very grateful thanks the enormous assistance given to us by the Property Losses Association: They are, as we know, an association of business men upon whom we have no claim. Yet they assisted us materially, and without their aid we would indeed be in a sorry plight. On our application they were good enough to elect me a member of their Committee. This enabled me to state our case to Mr. Samuel, the Home Secretary, and to get from him on behalf of the Government the statement that the Goulding Committee would be expected to deal with the claim in connection with the reconstitution of the lost documents. Thirdly, we wish to tender our sincere thanks to the City Members, and especially Mr. J. J. Clancy, K.C., for enabling us to obtain two valuable clauses in the Act of Parliament known as the Law and Procedure (Emergency Provisions) Ireland Act, 1916. The first was a clause on behalf of our clients enabling us in a cheap way to apply to the Chancery Courts to perpetuate the testimony afforded by the lost documents. Rules have been made by the Lord Chancellor to enable us to work this section. We had an interview with his Lordship, who received us most sympathetically, and at his suggestion my Committee submitted to his Lordship a list of suggestions in reference to these rules, and I have here a letter from his Lordship's Secretary, in which he says that our suggestions have been of great assistance in drafting the rules. We hope under this

section eventually to put our clients, as regards the lost documents, in as good a position as they were before the destruction of the documents. The second clause is a clause freeing us and all similar persons in whose possession original documents were—such, for example, as mortgagees—from liability in respect of the loss. In connection with this clause we wish publicly to thank the present Attorney-General and Solicitor-General for their efforts on our behalf. In Parliament the Attorney-General stated that in his opinion we Solicitors could not be held liable even without the clause. Nevertheless, it is a valuable safeguard both for us and for mortgagees. There is just one other matter which I would wish to mention: the result of our being free from liability would mean in the ordinary course that our clients would have to bear the expenses of replacing the documents. The injustice of this was pointed out to Mr. Samuel and to the law officers. Mr. Samuel stated:—"There is no doubt there must be certain expenditure required when reconstituting the deeds. . . . The Committee (*i.e.*, the Goulding Committee) will be expected to take cognizance of this claim." And the Attorney-General in Parliament stated that we "had been allowed and encouraged to apply to this Goulding Committee with regard to any of their property, including deeds, for compensation." Of course we could have no claim for compensation for the loss of the deeds, but we now understand that the Goulding Committee are prepared to treat the loss as our loss, and to recommend the Government to pay as compensation the cost of replacement.

MR. JAMES BRADY said:—With reference to the question of the Government of Ireland Act, he trusted sincerely they would never again be troubled with the question of partition. He thought the promoters of such a suggestion as that ought to be confined in a lunatic asylum. He regretted there was a reduction in the membership of the Society. They ought to be loyal to one another; but so long as men remained outside the Society they should endure and suffer the results of many queer transactions that occurred in Court from time to time. There were nearly 1,600 Solicitors on the roll in Ireland, and there were only 828 members of the Society,

and the result of the scrutiny showed that out of that 800 only 390 thought fit to vote. While members criticised the Council they ran away from their own Society, kept their vote in their pockets, and did not pay any attention to it. Every Solicitor in Ireland should be an active member of the Society; but if the present condition of affairs continued the result would be that, no matter what legislation would be proposed, Parliament would not give the slightest attention to the profession. He knew how the President and the Council had exerted themselves during their period of office in the interests of the profession, but it was hard to expect them to insist upon the rights of men who would not look after their own interests, who would not join the Society, but who left it to others to work for them.

The motion for the adoption of the Report was then put by the President, and passed.

Upon the motion of MR. JAMES BRADY, seconded by MR. QUAID, a vote of thanks was passed to the President and Council for the steps taken to obtain from the military authorities the necessary permission for Solicitors to interview persons under arrest in connection with the recent rebellion.

THE PRESIDENT having vacated the chair, and MR. JOHN H. WALSH, one of the Vice-Presidents, having been moved thereto,

MR. RICHARD A. MACNAMARA proposed a vote of thanks to Mr. Orpen for the manner in which he discharged the duties of President during his period of office. In doing so he said they never had a more energetic President. Ever at the call of the Society, when anything required to be done the President took the matter in hand, and interviewed the various parties and tried to get everything right. He interviewed Registrars, Judges, and other persons, and everything that could be done for the welfare and interests of the profession he did it. They had had many active Presidents, but they never had one more active than Mr. Orpen. That was what was only to be expected from the grandson of Sir R. J. T. Orpen, who was for six years President of their Society, and whose portrait adorns their Hall. They hoped also to see a portrait of his grandson there, painted by his

own brother. He was sorry that the President's period of office terminated in a period of such gloom, but it was a gloom which they would face with full hearts, and to him they owed a deep debt of gratitude for what he had done for every member of the profession.

THE CHAIRMAN.—We need not ask any one to second this resolution; you all feel in concurrence with it. You feel deeply grateful to the President for the work he has done during the year. I declare the resolution carried.

MR. ORPEN, in acknowledging the vote, said he thanked the members extremely, especially Mr. Macnamara for the manner in which he proposed the resolution. He could assure them that to work with the Council of the Incorporated Law Society was a pleasure to him; but it would be quite impossible for the President to do very much, no matter how well-meaning he might be, except he was backed up by the entire Council, and every member of the Council had worked loyally together. He expressed his appreciation of the work done by the Secretary for the Society. He also thanked their representative in Parliament, Mr. P. J. Brady, who was always ready to help them in every way he could. He could very easily form an idea as to how they would take any reference to Mr. Brady, he had come out at the top of the poll, and rightly so, for he had got the confidence of every Solicitor in Ireland.

The proceedings then terminated.

Meetings of the Council.

November 1st.

The late Mr. Gerald Byrne.

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

Court of Examiners.

The report of the Court of Examiners upon the October Preliminary and Final Examinations and the award of the Findlater Scholarship was submitted and adopted.

Annual Report.

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

November 15th.

The late Mr. John A. French.

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

Measuring Costs.

A letter was read from a member of the profession drawing attention to a case in which Counsel for defendant on a remitting motion, which was refused with costs, applied to have the costs of the motion measured by the Court, without giving any special reasons, and not having been instructed to make such application. It was resolved to communicate with the defendant's Solicitor and with the Bar Council on the matter.

November 29th.

Extra-Ordinary Members.

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

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

The ten members nominated were declared duly elected as the ten Extra-Ordinary Members of the Council for the year ending 26th November, 1917.

Registry of Deeds Fees.

It was resolved to request the Chief Secretary to receive a deputation from the Council to discuss the Treasury Order of

30th October, 1916, altering the fees payable in the Registry of Deeds Office.

Land Commission.

The President reported that, as requested by the Council, he had interviewed the Assistant Secretary of the Land Commission on the subject of the delay in obtaining the consent of the Land Commission to subdivisions of holdings, with the result, that it is hoped that these delays will disappear in the near future.

Council Meetings.

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

January 17th and 31st;
February 14th and 28th.

Committee Meetings.

THE following Committee Meetings were held during November:—

Gazette, 6th.
Privileges, 13th.
Costs, 24th.

Obituary.

MR. HENRY ST. P. WALSH, Solicitor, died upon the 4th November, 1916, at his residence, Derrybeg, Tralee.

Mr. Walsh served his apprenticeship with Mr. Francis C. Downing, Tralee, was admitted in Hilary Sittings, 1900, and practised at Tralee.

MR. THOMAS RICE, Solicitor, died upon the 7th November, 1916, at his residence, Clondulane House, Fermoy.

Mr. Rice served his apprenticeship with the late Mr. Richard Carroll, Fermoy, was admitted in Trinity Term, 1851, and practised in partnership with Mr. Anthony Carroll (under the style of Messrs. Rice and Carroll) at Fermoy, up to the year 1905, when he retired.

Mr. Rice was appointed Sessional Crown Solicitor for the East Riding of the County of Cork in the year 1872, which office he held until the year 1905, when he resigned.

MR. JOHN A. FRENCH, Solicitor, died upon the 9th November, 1916, at his residence, St. Ann's, Donnybrook, County Dublin.

Mr. French served his apprenticeship with the late Mr. William Johns, Belfast, was admitted in Trinity Term, 1870, and practised in partnership with his son, Mr. Edward J. French (under the style of Messrs. French and French), at 7 St. Stephen's Green, Dublin.

Mr. French was a member of the Council from 1884-1903, and was President of the Society in 1893-1894.

MR. JOHN J. O'MEARA, Solicitor, died upon the 17th November, 1916, at his residence, 45 Lower Mount Street, Dublin.

Mr. O'Meara served his apprenticeship with Mr. Richard G. Pilkington, Rutland Square, Dublin, was admitted in Trinity Sittings, 1885, and practised at 205 Gt. Brunswick Street, Dublin.

Roll of Honour.

CORPORAL WILLIAM WHALEY, Solicitor, Royal Irish Fusiliers, was killed in action on the 5th September, 1916.

Corporal Whaley served his apprenticeship with Mr. James Wood, Belfast, and was admitted in Trinity Sittings, 1904.

New Members.

THE following joined the Society during November, 1916:—

Matthews, Sydney, 12 Trinity Street, Dublin.

Oulton, Rupert W., 19 Upper Mount Street, Dublin.

Legal Appointments.

MR. JAMES POE having resigned the offices of Clerk of the Crown and Peace for the City

of Kilkenny, and Clerk of the Crown for the County of Kilkenny, and Mr. Richard Langrishe having resigned the office of Clerk of the Peace for the County of Kilkenny, the Lord Lieutenant has directed that the offices of Clerk of the Crown and Peace for the City of Kilkenny and the offices of Clerk of the Crown and Clerk of the Peace for the County of Kilkenny be united.

The Lord Lieutenant has appointed Mr. Henry Hoadley Langrishe, Solicitor, New Ross, to be Clerk of the Crown and Peace for the County and City of Kilkenny.

The Lord Lieutenant has appointed Mr. David M. Moriarty, Solicitor, to be Clerk of the Crown and Peace for the County of Kerry, in room of Mr. Francis C. Downing, resigned.

Commissioners to Administer Oaths.

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

John J. Horgan, Solicitor, 50 South Mall, Cork.

Laurence Keaveney, Clerk of Petty Sessions, Manorhamilton.

James McNamee, Clerk of Petty Sessions, Ballylinan.

High Court Sittings, 1917.

THE following are the dates of the High Court Sittings during 1917:—

Hilary—commence 11th January, terminate 29th March.

Easter—commence 12th April, terminate 16th May.

Trinity—commence 30th May, terminate 31st July.

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

Hilary Sittings Lectures, 1917.

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

January 11, 15, 18, 22, 25, 29

February 1, 5, 8, 12, 15, 19

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

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

February 2, 6, 9, 13, 16, 20.

Recent Decision affecting Solicitors.

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

IN THE HIGH COURT OF JUSTICE (ENGLAND).
COURT OF APPEAL.

(Before Swinfen Eady and Bankes, L.JJ.,
and A. T. Lawrence, J.)

Hildyard v. McDonald and another.

November 17, 1916.—Solicitor—Costs—Lease—Whether Building Lease—Costs of Lease—Solicitors Remuneration Act, 1881 (44 & 45 Vict., c. 44)—General Order made in pursuance of Sched. 1, Part 2, First Scale and Second Scale—Sched. 2.

DEFENDANTS' appeal from a decision of Rowlatt, J. The plaintiff demised about an acre of agricultural land to the defendants. The land was granted for the purpose of a cinema theatre being erected upon it. The defendants agreed to pay the costs of the lease. The first scale of charges of Part 2, Sched. 1, of the General Order under the Solicitors Remuneration Act, 1881, has reference to "leases, or agreements for leases, at rack rent (other than a mining lease, or a lease for building purposes, or agreement for same)." The second scale refers to "conveyances in fee, or for any other freehold estate, reserving rent, or building lease reserving rent, or other long leases not at a rack rent (except mining leases), or agreements for the same respectively." The rent reserved was £150 per annum, and the term was for fourteen years. There was a lessees' covenant to erect with reasonable speed a building for cinematograph entertainments, the plans to be approved by the lessor. There was a proviso "that if the military authorities only allow a less permanent form of theatre to be erected, then the lessor will deem their requirements . . . as conforming with this covenant." The lessees covenanted

to keep the premises in repair, and at the expiration of the lease, if required by the lessor, to remove the building. There was a covenant to insure for £1,500, and a proviso that "the lessor on giving notice one calendar month before the expiration of the tenancy shall be entitled to purchase" the buildings at a valuation, and if she did not purchase them it should be lawful for the lessees to remove them. There was also a proviso giving the lessees power to determine the lease on notice in case the cinemas should be placed out of bounds during the term. Rowlatt, J., held that the lease came within neither scale of Sched. 1, but within Sched. 2. The defendants appealed, and contended that the lease came within Scale 2.

Held, that the lease was a lease for building purposes, and was excluded from Scale 1 of Sched. 1 by the words "or a lease for building purposes;" that the lease came within Scale 2, for it was not intended by the words "or other long leases not at rack rent" to restrict building leases to those which shall be for long terms of years, but that any building lease reserving rent comes within the language, and the other leases that also come within it are other leases not at rack rent, but being long leases; that the decision of Rowlatt, J., was wrong; but as the respondents were content with taxation under Scale 2 instead of Sched. 2, the appeal would be dismissed.

(Reported *The Law Times*, Vol. 142, p. 74).

ON AND AFTER 30TH DECEMBER

THE OFFICES OF

MR. GEORGE M. PORTER, Solicitor,

WILL BE AT

20 Wicklow Street, Dublin.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 7.]

January, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	51
Council Meetings	52
Committee Meetings	52
Solicitors' Annual Certificates	52
Commissioners to Administer Oaths	52
Military Cross	52
Obituary	52
Dublin Reconstruction (Emergency Provisions) Bill	53
New Solicitors	53
Registry of Deeds; Ireland, Fees	54
Recent Decision affecting Solicitors—	
<i>Shean and Dickson v. Foster</i>	56

THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1917.

<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>
CHARLES GAMBLE.	P. J. BRADY, M.P.	J. HENRY.	E. H. BURNE.
J. E. MACDERMOTT.	M. L. HEARN.	JAMES MOORE.	J. H. CALLAN.
JAMES MOORE.	P. J. MEEHAN, M.P.	A. H. S. ORPEN.	M. L. HEARN.
W. T. SHERIDAN.	I. J. RICE.	W. V. SEDDALL.	BASIL THOMPSON.
J. H. WALSH.	W. J. SHANNON.	P. K. WHITE.	R. G. WARREN.
<i>No. 5. Gazette.</i>	<i>No. 6. County Courts.</i>	<i>No. 7. Land Acts.</i>	<i>No. 8. Privileges.</i>
E. N. EDWARDS.	THE EXTRA-ORDINARY	SIR A. F. BAKER.	SIR A. F. BAKER.
A. H. S. ORPEN.	MEMBERS.	W. S. HAYES.	W. S. HAYES.
W. T. SHERIDAN.	THE PROVINCIAL	R. A. MACNAMARA.	J. E. MACDERMOTT.
BASIL THOMPSON.	DELEGATES.	H. J. SYNNOTT.	R. A. MACNAMARA.
R. BLAIR WHITE.	A. E. BRADLEY.	R. G. WARREN.	H. J. SYNNOTT.
	E. H. BURNE.		J. H. WALSH.
	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 1917.

President :

JOHN W. RICHARDS.

Vice-Presidents :

THOMAS G. QUIRKE.

W. HOUGHTON FRY.

E. H. BURNE.

CHARLES GAMBLE.

L. C. P. SMITH.

H. J. CONCANON.

JAMES MOORE.

BASIL THOMPSON.

E. N. EDWARDS.

W. V. SEDDALL.

R. G. WARREN.

B. C. GALVIN.

HENRY SHANNON.

P. K. WHITE.

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

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Vol. X, No. 7.]

January, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

December 6th.

Election of President and Vice-Presidents.

The Council elected Mr. John W. Richards to the office of President of the Society, and Mr. Thomas G. Quirke and Mr. W. Houghton Fry to the office of Vice-Presidents of the Society for the year ending 26th November, 1917.

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

Registry of Deeds Fees.

A report was submitted from the members of the Council who formed the deputation to the Under Secretary for Ireland, who received the members in the absence from Ireland of the Chief Secretary. Mr. Boyd, Assistant Registrar of Deeds, was present when the deputation was received by the Under Secretary. The subject of the interview was the Treasury Order of 30th October, 1916, altering the fees payable in the Registry of Deeds Office. Under that Order the item hitherto in force giving permission for a fee of half a crown to make a general hand search had been repealed. The deputation urged the desirability of the restoration of this item, and the matter having been fully discussed, the Under Secretary undertook to communicate the views of the deputation

to the Chief Secretary. As a result of the interview a further Treasury Order was issued upon 20th December restoring the item in question at the increased fee of seven shillings and sixpence. The Treasury Orders appear in this GAZETTE.

Preliminary Examination.

A memorial from a Law Clerk asking for a modified preliminary examination under section 18 was considered, and it was resolved not to oppose the application.

December 13th.

The Prime Minister.

It was resolved that the hearty congratulations of the Council be conveyed to The Right Hon. David Lloyd George, M.P., on his appointment to the office of Prime Minister, this being the first occasion on which a Solicitor has been appointed to that office.

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, 1917:—Mr. Richards, Sir A. F. Baker, Mr. Bradley, Mr. Henry, Mr. Macnamara, Mr. C. St. G. Orpen, and Mr. Synnott.

Dublin Reconstruction (Emergency Provisions) Bill.

This Bill as amended in Committee was considered, and an amendment of which the Chief Secretary had given notice of his intention to move on Report Stage providing for the registration of charging orders in a Special Registry to be kept by the Corporation of Dublin was not approved of by the Council, and it was decided to take action with a view to having such orders registered in the Registry of Deeds Office. The proceedings on Report Stage dealing with this matter appears in detail in this GAZETTE. The Bill has become law.

Council Meetings.

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

February 14th and 28th.
March 14th and 28th.

Committee Meetings.

THE following Committee Meetings were held during December, 1916 :—

Gazette, 15th.
Court of Examiners, 15th.
Statutory, 21st.

Solicitors' Annual Certificates.

MEMBERS are reminded that Annual Certificates for the year ending 5th January, 1918, should be taken out and the duties paid thereon before the 6th February, 1917.

Commissioners to Administer Oaths.

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

Peter Brady, Clerk of Petty Sessions,
Philipstown.
John Clinton, Clerk of Petty Sessions,
Newbridge.
Daniel Daly, Clerk of Petty Sessions,
Kanturk.

Herbert S. Neely, Clerk of Petty Sessions, Portaferry.
Denis H. O'Sullivan, M.P.S.I., Kanturk.

Military Cross.

THE Military Cross has been awarded to Lieutenant Thomas B. L. Disney, Royal Engineers. Lieutenant Disney is son of Mr. H. R. E. Disney, Solicitor, and is under apprenticeship to Mr. Alexander D. Orr, Solicitor, 5 Foster Place, Dublin.

The Military Cross has also been awarded to Captain James G. E. FitzGerald, Machine Gun Corps. Captain FitzGerald is under apprenticeship to Mr. John Gillespie, solicitor, Monaghan.

Obituary.

MR. THOMAS FULLER, Solicitor, died upon the 9th December, 1916, at Cork.

Mr. Fuller served his apprenticeship with Mr. Francis Fitzmaurice, Dunmanway, was admitted in Trinity Sittings, 1891, and practised at Dunmanway up to the year 1899, when he retired.

MR. EDWARD COFFEY, Solicitor, died upon the 17th December, 1916, at Limerick.

Mr. Coffey served his apprenticeship with Mr. Patrick E. O'Donnell, Limerick, was admitted in Michaelmas Sittings, 1906, and practised at Limerick.

SIR BENJAMIN WHITNEY, Solicitor, died upon the 21st December, 1916, at his residence, 29 Upper Fitzwilliam Street, Dublin.

Sir Benjamin Whitney served his apprenticeship with Mr. Alexander Bate, Gardiner's Place, Dublin, was admitted in Hilary Term, 1855, and practised, in partnership with Mr. David F. Moore (under the style of Messrs. Whitney and Moore) at 46 Kildare Street, Dublin.

Sir Benjamin was appointed to the office of Clerk of the Crown for the County of

Mayo in 1867, and to the combined offices of Clerk of the Crown and Peace for Co. Mayo in 1877, which offices he held up to the time of his death.

MR. JAMES P. HALL, Solicitor, died upon the 27th December, 1916, at Ballyshannon.

Mr. Hall served his apprenticeship with Mr. John Ryan, Limerick, was admitted in Trinity Sittings, 1886, and practised at Limerick up to the year 1906.

Dublin Reconstruction (Emergency Provisions) Bill.

In the House of Commons on the 18th December, on consideration of the above Bill as amended in Committee, the Chief Secretary for Ireland moved the insertion of amended clauses giving the Land Judge jurisdiction to make charging orders for moneys to be advanced by the Corporation of Dublin for the purposes of re-building. In dealing with the matter of the registration of the charging orders, the Chief Secretary who had given notice of an amendment providing for their registration in a register to be kept by the Corporation of Dublin, stated that representations had been made to him by the Council of the Incorporated Law Society of Ireland that the register he proposed was not the best to have formed, and he stated that an amendment had been drafted in accordance with the suggestions of the Incorporated Law Society, in which he understood the Land Judge concurred, and which amendment would be moved by Mr. Brady in place of the amendment on the paper.

Mr. Brady moved to insert the following new sub-section to clause 4 :—

“ It shall be the duty of the Corporation to cause each charging order to be registered forthwith in a special register to be kept for the purpose by the Registrar of Deeds. The special register shall be kept, and registration therein shall be effected in such manner as may be prescribed by regulations made by the Land Judge, and

the registration of an order in accordance with those regulations shall be in substitution for registration under any enactments relating to registration, and the order and the charge thereby created shall be exempt from the provisions of any such enactments accordingly.

“ The regulations may—

“(a) Provide for the register being open for inspection at all reasonable times, and for the issue of certificates as to orders registered, and as to entries with respect to any specified land or interest ;

“(b) Prescribe the fees which may be charged for inspection or for certificates, and the method in which the fees are to be applied and accounted for ;

“(c) Provide for any other matters in respect of which, in the opinion of the Land Judge, provision ought to be made.”

Mr. Brady stated that he would like to take the opportunity on behalf of the Incorporated Law Society of Ireland of thanking the right hon. gentleman for the sympathetic consideration which he extended to the representations made by the Society to him, and also to the learned judge who is to take charge of this matter. There was no controversy about this clause. The Dublin Corporation had had an opportunity of considering it. It was considered very undesirable that a new register should be set up in view of the existing Registry of Deeds. All the parties, including the Property Losses Association, had considered the matter, and this new sub-clause has been agreed to.

The amendment was agreed to.

New Solicitors.

THE following were admitted during Dec., 1916 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
McCarthy, William J. ...	Henry J. Marshall, Lis-towel.
Meagher, Jas. Anthony	Michael S. Bergin, 56 Rut-land Square, Dublin.
Younge, Francis S. ...	Lewis J. Watters, Kil-kenny.

Registry of Deeds, Ireland, Fees.

Treasury Order under Section 35 of the Act 2 and 3 William IV., cap. 87, and the Act 38 and 39 Vic., cap. 5.

WHEREAS, by the Registry of Deeds (Ireland) Act, 1832 (2 and 3 William IV., c. 87) it is provided that it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury, or any three or more of them, to reduce, alter or vary any of the fees, etc., established or any time hereafter to be established in the Public Register Office for registering Deeds, Conveyances, and Wills in Ireland, and to establish any other fees, etc.: provided that every regulation, order, or direction so made or given by the said Lord High Treasurer or Commissioners aforesaid under this Act shall be forthwith laid before both Houses of Parliament, if Parliament shall be then sitting, and if Parliament shall not then be sitting, in that case within fourteen days after the next meeting of Parliament.

AND WHEREAS, by the Registry of Deeds (Ireland) Act, 1875 (38 & 39 Vic., cap. 5), it is provided that no regulation, order, or

direction mentioned in Section 35 of the Act 2 & 3 William IV., cap. 87, shall be in force until the same shall have been laid forty days before both Houses of Parliament while in session, and if either House within that period resolve that the whole or any part of such regulation, order, or direction ought not to be in force, the same shall not have any force, without prejudice nevertheless to the making any other regulation, order, or direction in its place.

Now therefore, We, being Two of the Lords Commissioners of His Majesty's Treasury, by virtue of the power conferred upon Us by the before-mentioned Acts and of all other powers hereunto Us enabling, do hereby Order and direct:

That, from and after the First day of January, 1917, the fees specified in Column One of the Schedule to this Order shall cease to be paid and payable, and that the fees specified in Column Two of the said Schedule shall be paid and payable.

SCHEDULE.

COLUMN ONE.	£	s.	d.	COLUMN TWO.	£	s.	d.
Upon every memorial received into the office except the memorial next mentioned, at the time of the delivery thereof to be registered:				Upon every memorial received into the office except the memorial of a Civil Bill Decree, at the time of the delivery thereof to be registered:			
Where such memorial shall contain not more than seven folios, each of seventy-two words (Memorial of a Civil Bill Decree).	0	8	0	Where such memorial shall contain not more than seven folios, each of seventy-two words	0	9	0
From every person making searches in the office, including the liberty of taking notes or abstracts, each day	0	2	6	From every person making searches in the office in any one day, upon names for any period not exceeding ten years including the liberty of taking notes or abstracts, for each different surname	0	1	0
				For every additional ten years or fractional part of ten years	0	0	6
				And upon lands the like fees for each County, or City or Corporation Town.			
				From every person making a general search in the office in any one day, including the liberty of taking notes or abstracts, for any period not exceeding ten years	0	2	6
				For every additional ten years or fractional part of ten years	0	2	6

SCHEDULE—Continued.

COLUMN ONE.	£ s. d.	COLUMN TWO.	£ s. d.
For common searches made by the office under a requisition upon names, for any period not exceeding ten years, for each different surname	0 2 6	For common searches made by the office under a requisition upon names, for any period not exceeding ten years, for each different surname	0 3 6
Making certified or negative search upon a requisition upon names, for any period not exceeding ten years, for each different surname required	0 5 0	Making certified or negative search upon a requisition upon names, for any period not exceeding ten years for each different surname required	0 6 0
		For every duplicate negative search when such duplicate shall not exceed three folios of seventy-two words	0 1 6
		When such duplicate shall exceed three folios, for every folio ...	0 0 6
		For liberty to search the Indexes of Negative Searches	0 1 0

Treasury Chambers,
30th October, 1916.

(Signed),
GEO. H. ROBERTS.
GEOFFREY HOWARD.

Registry of Deeds, Ireland, Fees.

Treasury Order under Section 35 of the Act 2 and 3 William IV., cap. 87, and the Act 38 and 39 Vic., cap. 5.

There shall be added to the fees prescribed in the second column of the Schedule to the Treasury Order of 30th October, 1916, the fee undermentioned; viz. :—

	£ s. d.
From every person making a general search in the office without limitation of period, including the liberty of taking notes or abstracts, each day	0 7 6

(Signed), JAMES F. HOPE.
J. W. PRATT.

Treasury Chambers,
21st December, 1916.

Registry of Deeds, Ireland, Fees.

Treasury Order under 11 and 12 Vic., cap 120, sec. 9.

WHEREAS, by the Land Transfer (Ireland) Act, 1848 (11 and 12 Vic., c. 120); it is provided that it shall and may be lawful for the Treasury by Order from time to time to

alter and vary the fees specified in the Schedule to said Act, and to substitute other fees therefor.

Now therefore We, being Two of the Lords Commissioners of His Majesty's Treasury, by virtue of the power conferred upon Us by the before-mentioned Act, and of all other powers hereunto Us enabling, do hereby Order and direct :—

That from and after the First day of January, 1917,

For every attested copy of a search recorded pursuant to said Act in the office of Registrar of Deeds on the certificate or attestation thereof, when such copy shall not exceed three folios of 72 words, the fee of 1s. 6d. instead of 1s., shall be paid : and that when such copy shall exceed three folios, for every folio the fee of 6d. instead of 4d. shall be paid.

(Signed), JAMES F. HOPE.
J. W. PRATT.

Treasury Chambers,
21st December, 1916.

Recent Decision affecting Solicitors.

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

COUNTY COURT.

(Before the Recorder of Belfast).

SHEAN AND DICKSON v. FOSTER.

Belfast, January 19, 1916.—Solicitor—Bill of Costs—Withdrawal—Second Bill of Costs.

In proper circumstances a bill of costs served by a Solicitor upon his client may be withdrawn, and a bill of costs drawn according to the scale fee substituted for it.

Remitted action tried before the Recorder of Belfast (Judge J. Walker Craig, K.C.). The facts were as follows:—The plaintiffs were a firm of solicitors who had acted for the defendant in the attempted purchase of some property. The purchase fell through at the last moment before completion owing to the vendor's refusal to comply with a requisition. The negotiations had previously been protracted, and the work heavier than usual. On August 30, 1913, the plaintiffs drew a bill of costs against the defendant, called herein "the first bill." This bill was for £15 0s. 6d., and consisted of £9 15s. 6d. for outlay and £5 5s. for professional charges, and was sent to defendant on September 15, 1913. After various applications the plaintiffs wrote to the defendant on July 3, 1914, saying that if payment were not made by July 9, 1914, this offer would be withdrawn and the costs furnished on the usual scale charges, and payment of same at that rate insisted on. No notice being taken of this warning, the plaintiffs proceeded to draw a regular bill of costs. In so doing they came to the conclusion that the vendor was liable for £6 12s., part of the outlay charged in the first bill. On August 18, 1914, they wrote defendant telling her of this fact, and offering without prejudice to take payment of the balance due under the first bill in full settlement if payment were made within a week. No reply was returned, and ultimately the bill of costs drawn to scale to £29 15s. 5d. was furnished on November 3, 1915. The

plaintiffs subsequently issued a writ, which was remitted by consent. The defendant claimed to be entitled to treat the first bill as alone valid and subsisting, admitted liability thereunder, and paid into court. £8 19s.

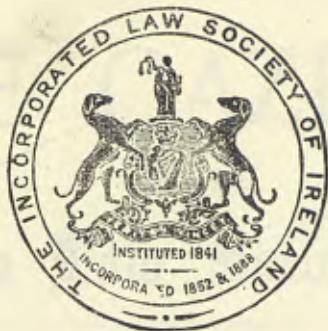
H. M. Thompson, for the plaintiffs.—The first bill was not a bill within the Solicitors Act, 1843, s. 37. All the items were not charged in a taxable shape, nor did it give sufficient materials for getting advice on taxation: *Philby v. Hazle*, 8 C. B. N. S. 647; *Wilkinson v. Smart*, 24 W. R. 42; *Re Tilleard*, 32 B. 476. Even assuming that it is such a bill, the solicitors may withdraw or amend it, for there has been no order or request to tax the bill, and they have acted with perfect fairness: *Re Chambers*, 34 B. 177; *Lumsden v. Shipcote*, [1906] 2 K. B. 433.

P. L. McCorry, for the defendant.—The general rule is that a solicitor is bound by his first bill of costs, and will not be allowed to amend or withdraw it; and there is nothing here to prevent the application of that rule: *Re Thompson*, 30 C. D. 441; *Re Heathe*, L. R. 5 Ch. App. 694.

The Recorder of Belfast held that in the circumstances of the case the plaintiffs were entitled to withdraw the first and furnish the second bill, and gave a decree for the amount, subject to taxation, both bills to be brought before the Taxing Master, and credit being given for the money paid into court. The following order was accordingly made:—Decree for plaintiffs, amount to be ascertained by taxation of the bill of costs, dated November 3, 1915, and the bill or note of costs of August 30, 1913, both to be submitted to the Taxing Master; but the fact of a decree having been granted implies, and is to be taken to imply, that the plaintiffs were not bound by the said bill or note of August 30.

(Reported I.L.T.R., Vol. L., 235).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 8.]

February, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	59
Council Meetings	60
Committee Meetings	60
Obituary	60
Roll of Honour	60
Commissioner to Administer Oaths	61
New Members	61
Calendar of the Society for 1917	61
Registration of Business Names Act, 1916	61
Valuation of Agricultural Property for Purposes of Estate Duty	61
Irish Land Commission	61
Dates of Spring Assizes, 1917	62
Recent Decision affecting Solicitors— <i>In re Grosvenor—Grosvenor v. Grosvenor</i>	63
Examination Results	63
New Solicitors	64
Intermediate Examination	64

THE GAZETTE

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Incorporated Law Society of Ireland.

Vol. X, No. 8.]

February, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

January 17th.

Death of Mrs. Rice.

A resolution was passed expressing the sympathy of the Council with their colleague, Mr. Ignatius J. Rice, on the death of his wife.

The Attorney-General.

A resolution was passed congratulating the Right Hon. James O'Connor, K.C., on his appointment to the office of Attorney-General for Ireland, he being the first member of the Irish Bar to attain that office who had previously been a member of the Solicitors' profession.

The Prime Minister.

A letter in reply was read from the Prime Minister's Secretary thanking the Council for their resolution of congratulation.

Privilege of Solicitors.

A letter was read, dated 2nd January, 1917, from a Limerick Solicitor to the Secretary, which he asked the Secretary to bring before the Council at their next meeting. He enclosed a copy of an Order under the Defence of the Realm Act requiring his attendance under Regulation 53, for the purpose of furnishing the name of the person from whom he obtained certain circulars addressed to the Royal Irish Constabulary, read by him when defending an accused person at Petty Sessions.

The subject matter of the letter was very fully discussed, and it appearing that the proceedings then pending against the Solicitor were confined to charges under Regulation 27 A, for publishing the circulars, and not under Regulation 53, the general question of the privilege of Solicitors in proceedings under the Defence of the Realm Act was adjourned, and the Secretary was directed to reply to the Solicitor informing him that his letter had been fully considered by the Council as requested by him, and pointing out that the question of his privilege as Solicitor did not arise in the proceedings then pending against him, which were confined to charges under Regulation 27 A.

Royal Irish Constabulary.

A letter was read from the Inspector-General of the Royal Irish Constabulary stating, in reply to the request of the Council, that "instructions have been issued to the Constabulary throughout the country to furnish, on application, to the plaintiffs and defendants, or their Solicitors, in any actions arising out of collisions between vehicles on the public thoroughfare, copies of the entries made in the station note-books of the facts of cases coming under the notice of, or reported to, the police, providing no prosecution arising out of the accidents is pending or in prospect."

Housing of the Working Classes Acts.

A letter was read from an Arbitrator, who is appointed from time to time to hold arbitrations under these Acts, stating in

reply to a request of the Council, that he will, when he thinks it necessary, appoint an assessor to deal with the costs of claimants.

Examination Results.

The report of the Court of Examiners upon the January Preliminary Examination was submitted and adopted.

Certificates.

Two applications for liberty to take out Certificates were considered, and orders made.

January 31st.

The Attorney-General.

A letter was read in reply from the Attorney-General thanking the Council for their resolution of congratulation.

Taxation of Costs.

Letters were read drawing attention to the delays in obtaining taxation of costs. It was resolved to request the Lord Chancellor to receive a deputation from the Council on the subject.

Dublin Reconstruction (Emergency Provisions) Act.

The draft of rules under this Act were received from the Land Judge, and were referred to a Special Committee for consideration.

Examination Results.

The report of the Court of Examiners upon the January Final Examination was submitted and adopted.

Certificates.

Four applications for liberty to take out Certificates were considered, and orders made.

Council Meetings.

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

March 14th and 28th.
April 18th.

Committee Meetings.

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

Costs, 12th.
Court of Examiners, 16th and 29th.
Gazette, 16th.
Statutory, 19th.
Privileges, 26th.
Court and Offices, 26th.

Obituary.

MR. J. DERMOD O'MEAGHER, Solicitor, died upon the 12th January, 1917, at his residence, 25 Wellington Road, Dublin.

Mr. O'Meagher served his apprenticeship with his father, the late Mr. Joseph C. O'Meagher, 49 Mountjoy Square, Dublin, and with the late Mr. William Whitton, 40 Mountjoy Square, Dublin, was admitted in Michaelmas Sittings, 1888, and practised formerly at 207 Great Brunswick Street, and latterly at 44 Westland Row, Dublin.

MR. RICHARD ALLEN, Solicitor, died upon the 29th January, 1917, at Burgess Hill, Sussex.

Mr. Allen served his apprenticeship with the late Mr. Thomas H. Parkinson, 24 Dame Street, Dublin, was admitted in Hilary Term, 1874, and practised formerly at 24 Dame Street, Dublin, and subsequently at Cavan.

In the year 1900 Mr. Allen was appointed to the office of Clerk of the Peace for County Leitrim, and in 1905 he was appointed to the united office of Clerk of the Crown and Peace for the County, which position he occupied up to 1916, when he retired.

Roll of Honour.

SECOND-LIEUTENANT JAMES S. BOAL, Solicitor, Royal Garrison Artillery, has died of wounds. Second-Lieutenant Boal served his apprenticeship with his uncle, Mr. Robert Boal, Ballymena, was admitted in Hilary Sittings, 1914, and practised at Ballymena.

Commissioner to Administer Oaths.

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

John Sweeney, Clerk of Petty Sessions,
Tamney, Co. Donegal.

New Members.

THE following joined the Society during January, 1917:—

Cottrell, John, 17 Warren's Place, Cork.
Fitzpatrick, Fintan, 10 Nassau Street,
Dublin.

Gleeson, Lughaidh P., Nenagh.
McCourt, Wm. J., Downpatrick.
McGuckin, Vincent, Magherafelt.
O'Donnell, Hugh P., Carlow.

Calendar of the Society for 1917.

THE Calendar and Law Directory of the Society for 1917, can be obtained in the Secretary's Office, price three shillings, by post three shillings and fivepence.

Registration of Business Names Act, 1916.

THE attention of members is drawn to Section 5 of this Act, which requires registration under the Act to be effected between the 22nd February and 22nd March, *i.e.*, after the expiration of two months and before the expiration of three months from the passing of the Act. The Registrar for this country is the Registrar-General for Ireland, and he is opening an office for the purpose at Coleraine House, Coleraine Street, Dublin.

Valuation of Agricultural Property for Purposes of Estate Duty.

IN reply to a letter relating to the present effect of the decision of the *Attorney-General v. Robinson* (2 I. R. 1901, p. 67), the Secretary has received from the Registrar of Estates Duties a letter in which it is stated "that the proviso to Section 7 (5) of the Finance Act, 1894, enacts that the value of agricultural property for purposes of Estate Duty is not to exceed 25 times the annual value. Sub-Section (1) of Section 60 of

" the Finance (1909-10) Act, 1910, repeals the said proviso; and under Sub-Section (2) of the same Section the Commissioners are bound to take the market price of the property at the date of the death as representing the principal value. Two exceptions to this rule are introduced by Section 61 (1) of the latter Act, *viz.* :—

" (a) Property consisting of a tenancy from year to year, including a statutory tenancy, and

" (b) for determining the gross value or the net value of property for the purpose of Section 16 of the former Act, *i.e.*, cases where the net value of the property does not exceed £1,000.

" As regards the two exceptions, the said Section 61 (1) enacts that the proviso to Section 7 (5), quoted above, of the Finance Act, 1894, shall continue to apply; in other words, that in these two exceptions the principal value of agricultural property is not to exceed 25 times the annual value, and that consequently the principle underlying the decision in the *Attorney-General v. Robinson* applies to cases covered by these exceptions.

" It is to be observed that if the land is neither a yearly tenancy nor a statutory tenancy, and the net value of the estate is £1,000 or upwards the said Section 61 (1) has no application, and that consequently in such cases Estate Duty is payable on the market price, as determined by the Commissioner of Valuation, regardless of the decision in the *Attorney-General v. Robinson*."

Irish Land Commission.

CHIEF COMMISSION SITTINGS, ARRANGED
JANUARY, 1917.

Place of Sitting	Date of Sitting	Counties Listed
	1917.	
Dublin ...	Fri., 23rd Feb., at 11.30 a.m.	Kilkenny, King's, and Dublin
" ...	Friday, 2nd Mar., at 1.30 a.m.	Meath, Westmeath and Queen's
Armagh ...	Tues., 13th Mar., at 11 a.m.	Armagh
Monaghan ...	Wed., 14th March, at 10.30 a.m.	Monaghan
Enniskillen...	Thurs., 15th Mar., at 11 a.m.	Fermanagh

Dates of Spring Assizes, 1917.

NORTH-EAST CIRCUIT.

Co. Meath—Trim, Thursday, March 1st, at 11.30 a.m.

Co. Louth—Dundalk, Monday, March 5th, at 11 a.m.

Co. Monaghan—Monaghan, Wednesday, March 7th, at 11 a.m.

Co. Armagh—Armagh, Friday, March 9th, at 11 a.m.

Co. Down—Downpatrick, Monday, March 12th, at 12 noon.

Co. Antrim—Belfast, Thursday, March 15th, at 1 p.m.

Co. of the City of Belfast—Belfast, Saturday, March 17th, at 10.30 a.m.

Judges—The Lord Chief Justice and Mr. Justice Ross.

Registrars—Colonel W. M. Campbell, 30 Upper Pembroke Street, Dublin; and Mr. Stuart C. Ross, Oatlands, Stillorgan, Co. Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath—Mullingar, Thursday, March 1st, at 11.30 a.m.

Co. Longford—Longford, Friday, March 2nd, at 11 a.m.

Co. Cavan—Cavan, Monday, March 5th, at 11 a.m.

Co. Fermanagh—Enniskillen, Wednesday, March 7th, at 11 a.m.

Co. Tyrone—Omagh, Friday, March 9th, at 11 a.m.

Donegal—Lifford, Tuesday, March 13th, at 11 a.m.

Londonderry—Londonderry, Thursday, March 15th, at 11.30 a.m.

Co. of the City of Londonderry—Londonderry, March 16th, at 10.30 a.m.

Judges—Mr. Justice Kenny and Mr. Justice Gordon.

Registrars—Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin; and Mr. James Monroe, 24 Palmerston Gardens, Rathmines, Dublin.

MUNSTER CIRCUIT.

Co. Clare—Ennis, Thursday, March 1st, at 11 a.m.

Co. Limerick—Limerick, Tuesday, March 6th, 11 a.m.

City of Limerick—Limerick, Tuesday, March 6th, at 11 a.m.

Co. Kerry—Tralee, Friday, March 9th, at 12 noon.

Co. Cork—Cork, Friday, March 16th, at 12 noon.

City of Cork—Cork, Monday, March 19th, at 11 a.m.

Judges—Mr. Justice Dodd and Mr. Justice Pim.

Registrars—Mr. Huston Dodd, 26 Fitzwilliam Square, Dublin; and Mr. J. H. Nunn, Bective, Pembroke Park, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow—Wicklow, Thursday, March 1st, at 12.15 p.m.

Co. Wexford—Wexford, Tuesday, March 6th at 11 a.m.

Co. Waterford—Waterford, Thursday, March 8th, at 12 noon.

Co. of the City of Waterford—Waterford, Thursday, March 8th, at 12 noon.

Co. Tipperary (South Riding)—Clonmel, Saturday, March 10th, at 11 a.m.

Co. Tipperary (North Riding)—Nenagh, Wednesday, March 14th, at 11 a.m.

Queen's Co.—Maryborough, Friday, March 16th, at 11.30 a.m.

Co. Kilkenny—Kilkenny, Monday, March 19th, at 11 a.m.

Co. Carlow—Carlow, Tuesday, March 20th, at 11.30 a.m.

Co. Kildare—Naas, Wednesday, March 21st, at 11 a.m.

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

Registrars—Mr. W. C. Gage, 51 Merrion Square, East, Dublin; and Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin.

NOTE.—No civil business will be taken up in Waterford till 12 o'clock noon.

CONNAUGHT CIRCUIT.

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

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

Co. Sligo—Sligo, Thursday, March 8th, at 11 a.m.

Co. Mayo—Castlebar, Monday, March 12th, at 11 a.m.

Co. Roscommon—Roscommon, Friday, March 16th, at 2.30 p.m.

Co. Galway—Galway, Tuesday, March 20th, at 11.30 a.m.

Judges—Lord Justice Ronan and Lord Justice Molony.

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

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 (ENGLAND).
CHANCERY DIVISION.

(Before Astbury, J.)

In re Grosvenor—*Grosvenor v. Grosvenor*.

July 20, 1916.—*Will*—*Specific legacy*—*Shares*
—*Freehold mortgage*—*Assent of Executors*
—*Costs of transfer*—*Incidence*.

By his Will dated April 15th, 1909, a testator, after directing payment of his debts and funeral and testamentary expenses, gave and bequeathed the whole of his property to his wife (who predeceased him) for life, and appointed her and the plaintiffs his executors and trustees. The testator made various specific bequests of railway shares, company shares, and a freehold mortgage to various specific legatees, and gave a large number of pecuniary legacies and a life annuity. He authorised the plaintiffs to postpone the sale of any part of his estate for such period as they should think proper, and directed them to stand possessed of the monies to arise from the sale or conversion of his estate in trust for certain residuary legatees. The testator died on May 6th, 1913. The debts and the greater part of the death duties were paid, but the estate was not yet fully wound up, and, owing to the depreciation of securities, it was doubtful whether the pecuniary legacies would be paid in full. The plaintiffs had, however, assented to the specific legacies, and

were prepared to transfer them to the specific legatees, subject to the question whether the costs of transfer were to be borne by the specific legatees or the residue. On May 8th, 1916, the plaintiffs issued this summons to determine (*inter alia*) how the costs of transfer ought to be borne.

Astbury, J.—The costs of transfer are not costs incurred by the plaintiffs in getting in the estate for distribution, but they are incurred after the specific legacies have been assented to. On the principle of *In re De Sommery* (1912), 2 Ch. 622, 628, and *In re Scott* (1915), 1 Ch. 592, 606, these are costs and expenses which the separate specific legatees must pay in order to complete their title to their specific property, which, after assent, the plaintiffs hold as trustees for them and not as executors. The specific legatees must bear the whole costs of transfer, including the executors' costs.

(Reported *Weekly Notes*, 1916, p. 304.)

Examination Results.

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

1. Thomas D. McLoughlin.
2. Henry B. Fottrell.
3. Charles A. Moore.
4. Frederick H. Lidwell.

Christopher E. Callan passed the modified Preliminary Examination, for which he had liberty to present himself.

Nine candidates attended the Examination.

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

1. Samuel Henry.
2. John Gallery.
3. Goodlett Hamill.
4. Aidan E. R. MacCabe.
5. Henry A. Maginess, B.A., T.C.D.

6. Albert O'Donoghue.
7. Martin T. Breene.
8. John Ryan.
9. James T. Liston.
10. Edward B. Maguire.

Thirteen candidates attended the Examination.

New Solicitors.

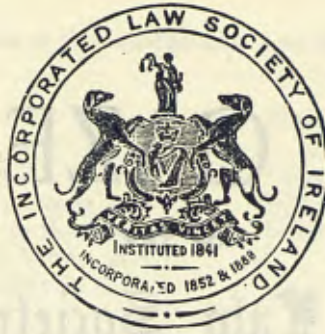
THE following were admitted during January, 1917 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Cullen, Austen ...	Vincent Kennedy, M.P., Cavan.
Elliot, Ivan ^o Burke ...	Thomas J. Elliot, 11 Lombard Street, Belfast.
McGrath, Patrick S. ...	Francis J. Bigger, 109 Royal Avenue, Belfast.
O'Hanrahan, John ...	Francis G. McKeever, 35 Laurence St., Drogheda.

Intermediate Examination.

THE March Intermediate Examination will be held upon Thursday, 1st March (notice to be lodged in Secretary's office before 20th February).

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 9.]

March, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	66
Council Meetings	67
Committee Meetings	67
Obituary	67
Roll of Honour	67
New Members	68
Payment of Certificate Duty by Solicitors engaged on Active Service with Naval or Military Forces	68
Registration of Business Names Act, 1916	68
High Court Sittings, 1917.	69
New Solicitors.	69
Easter Sittings Lectures, 1917	69

THE GAZETTE

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Vol. X, No. 9.]

March, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

February 14th.

Clerks of the Crown and Peace.

The matter of the reductions which are being made in the salaries of Clerks of the Crown and Peace upon the occurrence of vacancies in that office was considered, and the following resolution was adopted, and copies directed to be sent to the Lord Lieutenant, the Lord Chancellor, the Lord Chief Justice, the Chief Secretary, the Attorney-General, the Treasury, and to those Members of Parliament who are Irish Solicitors:—

RESOLVED:—“The Council of the Incorporated Law Society of Ireland desire to enter their protest against the reductions being made in the salaries of newly-appointed Clerks of the Crown and Peace in Ireland.

“The Council desire to point out that since the passing of the County Offices and Courts (Ireland) Act, 1877, by which Act the salaries payable to Clerks of the Crown and Peace are provided, the duties of the office have been largely increased owing to the passing of various statutes, the administration of which are assigned to the County Courts, such as the Labourers (Ireland) Acts, the Workmens Compensation Acts, the Town Tenants (Ireland) Acts, and the Public Roads (Ireland) Act.

“The work of the office of Clerk of the Crown and Peace in Ireland involves the

performance of semi-judicial duties of an increasing importance, and the duties are of a nature which require that leading members of the profession should be secured to fill the office.

“The Clerk of the Crown and Peace has, in addition, the office of Local Registrar of Title placed upon him by statute, for the discharge of the onerous and increasing duties of which office he receives a small addition to his salary.

“Having regard to these facts the Council are of opinion that reduction of the salaries mentioned in the statute is unjust, contrary to the public interests, and not in keeping with the dignity or responsibility of the office.”

Workmen's Compensation (Ireland) Rules.

The draft of the Consolidated Workmen's Compensation (Ireland) Rules, received from the Lord Chancellor was submitted, and referred to the County Courts Committee.

Certificates.

Six applications by Solicitors for renewal of Certificates were considered, and orders were made.

Law Clerks.

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

February 28th.

The late Mr. Patrick K. White.

A resolution was passed expressing the deep regret of the Council owing to the death of their colleague, Mr. Patrick K. White, and conveying to his relations sympathy in their bereavement.

Clerks of the Crown and Peace.

Letters were read acknowledging receipt of the resolution of the Council relative to the reduction of salaries in the office of Clerk of the Crown and Peace.

Dublin Reconstruction Act, 1916.

A report was submitted from the Special Committee of the Council who had considered the draft of the rules which have been made under this Act. The report stated that the Committee had conferred with the Solicitor for the Destroyed Property Owners' Association, and the Law Agent of the Dublin Corporation, and that it had been agreed that in order to facilitate the carrying out of the Act an amending Act was necessary. A draft amending Bill was submitted, and its principles were approved of by the Council.

Workmen's Compensation Act Rules.

A report was submitted from the County Courts Committee, upon the draft Consolidated Workmen's Compensation (Ireland) Rules. The report was adopted.

Council Meetings.

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

March 28th.

April 18th.

May 2nd, 16th and 30th.

Committee Meetings.

THE following Committee Meetings were held during February, 1917:

Statutory, 2nd.

Costs, 7th and 20th.

Dublin Reconstruction Act, 1916, 6th, 7th, and 21st.

Court of Examiners, 9th.

Gazette, 13th.

County Courts, 27th.

Obituary.

MR. THOMAS ORR, Solicitor, died upon the 1st February, 1917, at Lifford.

Mr. Orr served his apprenticeship with Mr. Alfred Stubbs, Ballyshannon, was admitted in Michaelmas Sittings, 1902, and practised at Ballyshannon.

MR. JOHN RYAN, Solicitor, died upon the 11th February, 1917, at his residence, 100 George Street, Limerick.

Mr. Ryan served his apprenticeship with the late Mr. Michael J. Ruttle, Glentworth Street, Limerick, was admitted in Trinity Term, 1857, and practised at Limerick.

MR. PATRICK K. WHITE, Solicitor, died upon the 14th February, 1917, at his residence, 2 Melrose, Ranelagh Road, Dublin.

Mr. White served his apprenticeship with his uncle, the late Mr. William J. Dealy, 13 Wellington Quay, Dublin, was admitted in Hilary Term, 1875, and practised (formerly in partnership with Mr. William J. Dealy) under the style of Messrs. Dealy and White, at 13 Wellington Quay, Dublin.

Mr. White was elected a member of the Council last November.

MR. THOMAS O'MEARA, Solicitor, died upon the 15th February, 1917, at his residence, "The Ochra," Bray.

Mr. O'Meara served his apprenticeship with the late Mr. William J. Stuart, 5 St. Andrew Street, Dublin, was admitted in Easter Term, 1875, and practised at 44 Fleet Street, Dublin.

Roll of Honour.

LANCE-CORPORAL HERBERT S. FINDLATER, Solicitor, "D" Company, 7th Batt., Royal

Dublin Fusiliers, previously reported missing, is now reported killed in action at the Dardanelles, on the 16th August, 1915.

Lance-Corporal Findlater served his apprenticeship with the late Sir William Findlater, 53 Dame Street, Dublin, was admitted in Michaelmas Sittings, 1898, and practised at 12 Trinity Street, Dublin.

MR. JASPER T. BRETT, Solicitor's Apprentice, late Second Lieutenant, Royal Dublin Fusiliers, died upon the 4th February, 1917.

Mr. Brett was apprenticed on the 1st November, 1912, to his father, Mr. William J. Brett, 13 Bachelor's Walk, Dublin.

CAPTAIN IVAN H. GARVEY, Solicitor's Apprentice, Connaught Rangers, died of wounds, on the 19th February, 1917.

Since his death, the announcement has been made of the award of the Military Cross to Captain Garvey.

Captain Garvey was apprenticed on the 23rd September, 1909, to his father, Mr. John Garvey, Ballina.

New Members.

THE following joined the Society during February, 1917 :—

Gaynor, John J., 40 Nth. Great George's Street, Dublin.

Seeds, Stirling J., 13 Ann Street, Belfast.

Payment of Certificate Duty by Solicitors engaged on Active Service with Naval or Military Forces.

RELIEF from Certificate Duty will be allowed in respect of any period during which a Solicitor has been or is engaged on active service with the Naval or Military Forces, and who during that period has taken no active part in conducting his business, or that of the firm of which he is a partner.

Application on behalf of any Solicitor who wishes to obtain a refund of Certificate Duty paid should be made to the Assistant Secretary and Comptroller, Inland Revenue, Custom House, Dublin, as soon as possible

after the expiry of the term for which the Certificate was issued. Such application may be for the whole or proportion of the duty, according to the time during which Naval or Military duties have prevented the transaction by the applicant of his legal business. Every application should be accompanied by the duly stamped Certificate in respect of which the claim is made, and also by a statutory declaration setting forth all the facts necessary to establish the claim.

The above arrangement under which duty may be refunded does not in any way alter the necessity for Solicitors practising either alone or in partnership holding a duly stamped Certificate. It refers exclusively to the refund of the duty which has been paid, and does not affect or excuse its original payment in cases in which according to law such payment is required.

Registration of Business Names Act, 1916.

THE prescribed forms of application for the purpose of registration under the above are obtainable at the principal Post Offices. The Registrar-General, who is the Registrar of Business Names for Ireland, has a temporary office for the purpose at 9 Gardiner's Row, Dublin, pending the opening of the permanent office at Coleraine House, Coleraine Street, Dublin.

The Act passed upon the 22nd December, 1916.

Section 1 of the Act provides as follows :—

“ Subject to the provisions of this Act—

(a) Every firm having a place of business in the United Kingdom and carrying on business under a business name which does not consist of the true surnames of all partners who are individuals, and the corporate names of all partners who are corporations without any addition other than the true Christian names of individual partners or initials of such Christian names;

(b) Every individual having a place of business in the United Kingdom and carrying on a business under a business name which does not consist of his true surname without any addition other than

his Christian names or the initials thereof ;

(c) Every individual or firm having a place of business in the United Kingdom, who, or a member of which, has either before or after the passing of this Act changed his name, except in the case of a woman in consequence of marriage ;

shall be registered in the manner directed by this Act :

Provided that—

(i.) where the addition merely indicates that the business is carried on in succession to a former owner of the business, that addition shall not of itself render registration necessary ; and

(ii.) where two or more individual partners have the same surname, the addition of an s at the end of that surname shall not of itself render registration necessary ; and

(iii.) where the business is carried on by a trustee in bankruptcy or a receiver or manager appointed by any Court, registration shall not be necessary ; and

(iv.) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits from the sale thereof."

Section 5 of the Act provides as follows :—

" The particulars required to be furnished under this Act shall be furnished within fourteen days after the firm or person commences business, or the business in respect of which registration is required, as the case may be : Provided that if such firm or person has carried on such business before the passing of this Act or commences such business within two months thereafter, the statement of particulars shall be furnished after the expiration of two months and before the expiration of three months from the passing of this Act, and if at the expiration of the said two months the conditions affecting the firm or persons have ceased to be such as to require registration under this Act, the firm or person need not be registered so long as such conditions continue.

" This Section shall apply, in the case where registration is required in consequence of a change of name, as if for references to the date of the commencement of the business there were substituted references to the date of such change."

Section 22 of the Act provides that the word " Business " shall include profession.

The full text of the Act can be obtained by post from Messrs. Ponsonby, 116 Grafton Street, Dublin, for twopence-halfpenny.

High Court Sittings, 1917.

HILARY Sittings terminate on Thursday, the 29th March, and Easter Sittings commence on Thursday, 12th April.

New Solicitors.

THE following were admitted during February, 1917 :—

Name	Served Apprenticeship to
Allen, Francis J. ...	Alfred E. Goodbody, 30 College Green, Dublin.
Breene, Martin Thomas	Henry D. Keane, 21 O'Connell St., Waterford.
Gallery, John	Charles W. Neill, Lurgan.
Guy, Joseph P. G. ...	Henry Concanon, Tuam.
Kearney, Matthew P. ...	Patrick R. Buggy, 40 O'Connell St., Waterford.
Ryan, John	William Frewen, Tipperary.

Easter Sittings Lectures, 1917.

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

April 13, 17, 20, 24, 27.
May 1, 4, 8, 11, 15.

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

April 12, 16, 19, 23, 26, 30.
May 3, 7, 10, 14.

Calendar of the Incorporated Law Society, 1917.

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

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 10.]

April, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

CONTENTS.

	PAGE
Meetings of the Council	72
Council Meetings	73
Committee Meetings	73
Obituary	73
Commissioners to Administer Oaths	73
High Court Sittings, 1917	74
New Solicitor	74
Irish Land Commission	74
Easter Sittings Lectures, 1917	74
Dates of Examinations	74

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. X, No. 10.]

April, 1917.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

March 14th.

Military Courts of Inquiry.

A member of the Society had informed the Council that a collision occurred between a motor car, the property of his client, and a military motor waggon, and that the client having got an intimation from the military authorities requesting him to attend at an inquiry, went to the inquiry accompanied by his Solicitor, but on arrival the military authorities refused to allow the Solicitor to be present at the inquiry.

At the request of the Council the President had an interview with the General Officer Commanding-in-Chief, at which the President requested that Solicitors should be granted permission to attend military courts of inquiry held to investigate cases of damage to persons or property and out of which legal proceedings might subsequently ensue. The General Officer Commanding-in-Chief promised that the matter would receive consideration.

A letter was read stating that the request of the President had been submitted to the Army Council, and that the Army Council were of opinion that the proposal appeared to them to be inconsistent with the character and purpose of Courts of Inquiry as contemplated by the Manual of Military Law and the King's Regulations, and that, therefore, it could not be entertained.

On page 638 of the Manual of Military Law, 1914 (reprinted, 1916), the following note

appears:—"A court of inquiry has no power "to compel the attendance of civilian "witnesses."

Section 1 of the Army (Courts of Inquiry) Act, 1916 (which Act is to continue in force until the termination of the present war and no longer), provides that "the rules as to the "procedure of courts of inquiry under Sub-section (5) of Section 70 of the Army Act "may, in cases where the Secretary of State "certifies that the evidence of persons who "are not subject to military law will be "necessary, make provision for compelling "such persons to attend as witnesses, to give "evidence, and to produce documents before "the court"

House of Lords Appeals.

A letter was read in reply from the Taxing Officer of Judicial Costs in the House of Lords, acknowledging receipt of the amendments suggested by the Costs Committee of the Council in the draft forms of Bills of Costs (as between party and party) applicable to judicial taxations in the House of Lords in appeals from Ireland, which draft had been received from the Taxing Officer. The letter stated that the Taxing Officer agreed with almost all of the amendments suggested.

Preliminary Examination.

Memorials, under Section 18, from two Law Clerks for modified Preliminary Examinations were considered, and it was resolved to consent to the granting of a modified examination under the Judges' minute of 12th May, 1892, in both cases.

March 28th.

Measuring Costs.

A letter having been received from a member giving particulars of an application to the Court of King's Bench for final judgment in which the Court granted the application and measured the costs of the motion, notwithstanding that Counsel for plaintiff requested the Court to direct the costs of the motion to be taxed, and there being no "special circumstances" in the case. It was resolved to send a protest to the Judges of the King's Bench Division against the measuring of costs of such motions, in the absence of an application for their measurement by Counsel for the party to whom the costs are payable, and in the absence of special circumstances.

Certificate.

An application by a Solicitor for renewal of his Certificate was considered, and an order was made.

Preliminary Examination.

Memorials, under Section 18, from two Law Clerks for modified Preliminary Examinations were considered, and it was resolved to consent to the granting of a modified examination under the Judges' minute of 12th May, 1892, in both cases.

Council Meetings.

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

April 18th.

May 2nd, 16th and 30th.

Committee Meetings.

THE following Committee meetings were held during March, 1917:—

Court of Examiners, 7th.
Gazette, 9th.

Statutory, 16th and 29th.
Court and Offices, 22nd.

Obituary.

MR. SAMUEL ABBOTT, Solicitor, died upon the 4th March, 1917, at his residence, 36 Clarinda Park, West, Kingstown, Co. Dublin.

Mr. Abbott served his apprenticeship with the late Mr. John Welsh, 88 South Mall, Cork, was admitted in Michaelmas Term, 1854, and practised formerly at 1 Merchant's Quay, Dublin, and latterly at 29 South Frederick Street, Dublin.

THE RIGHT HON. SIR PATRICK COLL, P.C., K.C.B., Solicitor, died upon the 12th March, 1917, at Dublin.

Sir Patrick Coll was apprenticed to the late Mr. Joshua Brereton, Dame Street, Dublin, was admitted in Easter Term, 1864, and practised at 4 Palace Street, Dublin, up to the year 1884.

Sir Patrick was appointed Crown Solicitor for the County and City of Dublin in the year 1884, Chief Crown Solicitor in 1888, was created C.B. in 1890, received a Knighthood in 1896, and was created K.C.B. in 1903.

Upon his retirement from the office of Chief Crown Solicitor in 1905, he was appointed a member of the Irish Privy Council.

MR. WILLIAM P. CAREY, Solicitor, died upon the 20th March, 1917, at his residence, 62 Rathgar Road, Dublin.

Mr. Carey served his apprenticeship with his father, the late Mr. William Carey, 1 Wellington Quay, Dublin, was admitted in Hilary Sittings, 1883, and practised formerly (in partnership with his father) at 14A Eustace Street, and latterly at 43 Dame Street, Dublin, under the style of Messrs. Wm. Carey and Son.

Commissioners to Administer Oaths.

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

Wilfred L. Barlee, Solicitor, 30 Westland Row, Dublin.

Edward H. Burne, Solicitor, 7 Lower Ormond Quay, Dublin.

James R. Cresswell, Solicitor, 69 Dame Street, Dublin.

Michael J. Dwyer, Solicitor, 58 Dame Street, Dublin.

Fintan Fitzpatrick, Solicitor, 10 Nassau Street, Dublin.

John M. Maxwell, Solicitor, 40 North Gt. George's Street, Dublin.

John J. Sheil, Solicitor, 14 Bachelor's Walk, Dublin.

Daniel Sullivan, Solicitor, 51 Dame Street, Dublin.

Alfred E. Walker, Solicitor, 11 Westmoreland Street, Dublin.

Gerald E. Grove White, Solicitor, 13 Upper Ormond Quay, Dublin.

James A. Harbinson, Clerk of Petty Sessions, Magherafelt, and Maghera.

High Court Sittings, 1917.

EASTER Sittings commence on Thursday, 12th April, and terminate on Wednesday, 16th May.

New Solicitor.

ADMISSION DURING MARCH, 1917.

Name	Served Apprenticeship to
McCabe, Aidan, E. R. ...	F. E. Kennedy and Vincent Kennedy, M.P., both of Cavan.

Irish Land Commission.

CHIEF COMMISSION SITTINGS ARRANGED MARCH, 1917.

Place of Sitting	Date of Sitting	Counties Listed
	1917.	
Dublin	Friday, 20th April	
Belfast	Tuesday, 24th "	Down, Antrim
Londonderry	Tuesday, 8th May	Londonderry, Donegal (part of)
Strabane	Wednesday, 9th May	Donegal (part of)
Omagh	Thursday, 10th "	Tyrone

Easter Sittings Lectures, 1917.

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

April 13, 17, 20, 24, 27.

May 1, 4, 8, 11, 15.

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

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

May 3, 7, 10, 14.

Dates of Examinations.

THE following are the dates of the May, 1917, Examinations:—

Preliminary—Thursday and Friday, 17th and 18th May, at 10 o'clock a.m. each day (Notices of intending candidates to be lodged in Secretary's office on or before Tuesday, 1st May).

Final—Monday, Tuesday, Wednesday, 21st 22nd and 23rd May, at 10 o'clock, a.m. each day (Notices of intending candidates to be lodged in Secretary's office on or before Monday, 7th May).

Calendar of the Incorporated Law Society, 1917.

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

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



