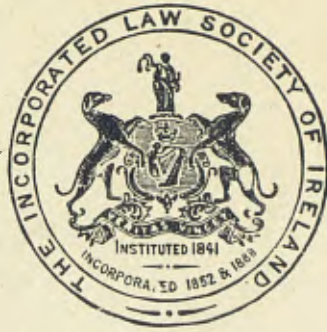


W. F. Ayward





THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 1.]

May, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

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W. F. O'Connell

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 1.]

May, 1915.

[FOR CIRCULATION
AMONGST. MEMBERS.

Annual Subscription.

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

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

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society will be held in the Hall of the Society, at two o'clock p.m., on Monday, the 17th May, 1915, to elect Auditors, to nominate Scrutineers of Ballot for Council, to be held on 22nd November, 1915, to consider the Report from the Council on reference from Half-yearly General Meeting held in November, 1914; also to consider Recommendation from the Council in reference to future Half-yearly General Meetings of the Society held in the month of May, and to transact such further business as may come before the meeting.

REPORT FROM THE COUNCIL ON REFERENCE FROM HALF-YEARLY GENERAL MEETING HELD IN NOVEMBER, 1914.

At the Half-yearly General Meeting held in November, 1914, the Council were requested to report to the May, 1915; Half-

yearly General Meeting as to the advisability of extending to Ireland the following Statutes, viz.:—

The Criminal Evidence Act, 1898, (61 and 62 Vic., c. 36);

The Criminal Appeal Act, 1907 (7 Edwd. 7, c. 23).

The Council have considered the reference, and report that in their opinion the extension to Ireland of the Criminal Appeal Act, 1907, is desirable; and that the extension to Ireland of the Criminal Evidence Act, 1898, is not desirable.

MAY HALF-YEARLY GENERAL MEETING.

The Council recommend that in future the Press be not invited to be present at the Half-yearly General Meeting of the Society held in the month of May.

Meetings of the Council.

April 14th.

The Lord Lieutenant.

It was resolved that an address of welcome be presented to His Excellency Lord Wimborne, on his assumption of the office of Lord Lieutenant.

The late Lieutenant Brendan Fottrell.

A letter was read from Mr. John G. Fottrell thanking the Council for their resolution of sympathy on the death of his son, who was killed in action while serving with the British Expeditionary Force in France.

Special Examiner in French.

The Council appointed Mr. E. J. Kelly, M.P., Solicitor, to be Special Examiner in French at the Society's Preliminary Examinations for the ensuing twelve months.

Criminal Evidence Act, 1898.**Criminal Appeal Act, 1907.**

A report was considered from a Special Committee, upon the reference to the Council, by the General Meeting of the Society held last November, as to the advisability of the extension to Ireland of the Criminal Evidence Act, 1898, and the Criminal Appeal Act, 1907. The report, which was in favour of the extension to Ireland of the latter Act, but not of the Criminal Evidence Act, was adopted. It was resolved to report accordingly to the Half-yearly General Meeting to be held on 17th May.

April 28th.

Applications in Lunacy.

The Council expressed approval of the direction of the Lord Chancellor that, in future, applications in Lunacy will be listed by the names only of the Solicitor for the applicant.

Investment of Money Lodged in Court.

It was resolved to draw attention in the GAZETTE to the Rule of the Supreme Court regulating the investment by the Accountant-General of cash lodged in Court in the Chancery Division, unless requested not to do so. The matter is dealt with in this GAZETTE.

The Press at General Meetings.

A letter was read from a member of the Society suggesting the advisability of holding at least one meeting of the members of the Society in each year at which the members of the Press should not be present.

It was resolved to make a recommendation to the Half-yearly General Meeting to be held on the 17th May, that in future years the Press be not invited to be present at the May Half-yearly General Meeting.

Council Meetings.

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

May 12th.

June 2nd, 16th, and 30th.

Committee Meetings.

THE following Committee Meetings were held during April:—

Gazette, 9th.

Court and Offices, 19th.

Costs, 20th.

House, Library and Finance, 26th.

Obituary.

MR. JAMES F. MELDON, Solicitor, died upon the 13th April, 1915, at his residence, 60 Northumberland Road, Dublin.

Mr. Meldon served his apprenticeship with his father, the late Mr. James D. Meldon, 14 Upper Ormond Quay, Dublin, was admitted in Hilary Term, 1860, and practised in partnership with Mr. Louis S. Meldon (under the style of Messrs. Meldon and Company), at 14 Upper Ormond Quay, Dublin.

MR. FREDERICK H. G. WILSON, Solicitor, died upon the 25th April, 1915, at his residence, Greenan, Ballyholme, County Down.

Mr. Wilson served his apprenticeship with the late Mr. Henry Mahaffy and Mr. W. Irwin Mahaffy, of Belfast, was admitted in Trinity Sittings, 1892, and practised at Bangor, Co. Down.

New Members.

THE following joined the Society during April, 1915:—

Davidson, John C. N., 1 Upper Mount Street, Dublin.

Emerson, Edward, 95 South Mall, Cork.

Easter and Trinity Sittings, 1915.

EASTER Sittings will terminate on Wednesday, 19th May; Trinity Sittings will commence on Wednesday, 2nd June, and will terminate on Saturday, 31st July.

Investment of Money Lodged in Court.

THE attention of members is drawn to Rule 66 of Order LXII. of the Rules of the Supreme Court, which directs the investment by the Accountant-General of all sums of cash not less than £50 lodged in Court in the Chancery Division in Government 2½ per cent. Stock, unless otherwise directed or requested. The Accountant-General makes the investment required by this Rule in the months of May and November, and having regard to the existing difficulty attendant upon selling Government 2½ per cent. Stock, members may consider it desirable, in cases where allocations are likely to take place before the Long Vacation, to lodge requests not to invest.

Rule 66 of Order LXII. is as follows:—

“The Accountant-General shall, after the expiration of six months from the lodgment, without any order or request invest all sums of cash not less than £50 lodged in Court in the Chancery Division in two and a half per cent. Consolidated Stock, unless the Court or a Judge shall otherwise direct, or a request that same shall not be invested, signed by the party or Solicitor having carriage of the cause or matter in which the same shall have been lodged, shall be left with the Accountant-General.”

Fresh Issues of Capital.

THE following are copies of Memoranda issued by the Treasury relative to fresh issues of Capital:—

TREASURY CONTROL OF FRESH ISSUES OF CAPITAL.

The approval of the Treasury should be obtained for all fresh issues of capital of whatever nature whether made on behalf of

a Government, municipality or other public body or any company whether public or private. Treasury approval is not required for calls or instalments on shares, stock, debentures or bonds already issued.

All applications for approval of fresh issues should be addressed to the Treasury, the envelope being marked “Capital Issues.” In order to save delay and reduce correspondence to a minimum it is desirable that the fullest particulars should be given in each case.

MEMORANDUM WITH REFERENCE TO THE PRESS ANNOUNCEMENT RELATIVE TO THE ISSUE OF FRESH CAPITAL OF THE 18TH JANUARY, 1915.

(1) The restrictions must be taken, for the present at any rate, as applying to the issue of all capital, including that of private companies and that of the nature of reconstruction of existing capital.

(2) Application for Treasury approval must be made in writing to the Secretary to the Treasury. A copy of the prospectus or Memoranda (or drafts thereof) should be enclosed and the reasons why the proposed issue is considered advisable in the national interests should be stated, specific evidence being furnished where possible.

(3) It is impossible to obtain an immediate reply, but, if possible, replies will be sent within a very few days.

(4) As a rule a personal interview will not be of any service, since a written application is required in all cases and a decision cannot under any circumstances be given orally.

Calendar of the Incorporated Law Society, 1915.

THE Calendar and Law Directory, published by the Society for 1915, can be obtained in the Secretary's Office, price three shillings, or by post three shillings and fourpence.

New Solicitors.

THE following were admitted during April, 1915 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Byrne, Terence	.. P. J. Meehan, M.P., Maryborough
Davidson, John C. N.	.. Admitted under Sec. 29 of the Solicitors (Ireland) Act, 1898. No Apprenticeship.

Trinity Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing by Professor Mayne on the following dates in Trinity Sittings, 1915 :—

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

Lectures will be delivered to the Junior Class upon Common Law by Professor White on the following dates in Trinity Sittings, 1915 :—

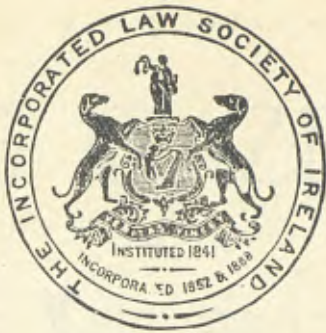
June 3, 7, 10, 14, 17, 21, 24, 28.

Intermediate Examination.

THE July Intermediate Examination will be held on Thursday, 1st July. Notices from Apprentices intending to present themselves for the Examination should be lodged in the Secretary's Office on or before Wednesday, 16th June.

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

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 2.]

June, 1915.

[FOR CIRCULATION
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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 2.]

June, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-yearly General Meeting.

THE Half-yearly General Meeting of the Society was held in the Hall of the Society, Solicitors' Buildings, Four Courts, on Monday, 17th May. The chair was occupied by Mr. Arthur E. Bradley (President), and there were also present:—

James Moore (Vice-President), James Murphy (Vice-President), Sir A. F. Baker, H. J. Synnott, R. A. Macnamara, W. J. Shannon, P. J. Brady, M.P.; J. H. Callan, G. Collins, W. H. Fry, C. G. Gamble, M. L. Hearn, J. E. MacDermott, G. M. Meares, A. H. S. Orpen, C. St. G. Orpen, T. G. Quirke, P. Rooney, H. Shannon, W. T. Sheridan, R. G. Warren, R. Blair White, Joseph Allen, Sir J. R. O'Connell, T. Montgomery, F. G. Sharpe, P. K. White, D. Dunne, H. J. M'Cormick, H. D. Draper, J. O'Sullivan, F. A. Greene, E. S. Lowe, E. S. Lowe (Jun.), W. J. Brett, D. A. Quaid, H. C. Neilson, H. C. Neilson (Jun.), T. J. Greene, J. Hawthorne, W. D. Sainsbury, A. G. Joyce, W. J. Ryan, P. Seales, W. J. M. Coulter, W. P. Triston, J. T. Doyle, M. A. Smyth, O. P. Beater, J. Brady, B. Thompson, A. R. O'Connor, W. H. Sutton, H. D. Vaughan, H. R. Maunsell, A. C. J. Cox, E. N. Edwards, G. M. Collins, J. W. Davis, G. T. Roe, J. J. Beatty, J. G. Lidwell, P. C. Furlong, E. F. M'Hugh, J. Gore, N. L. Moran, J. T. Hamerton, E. J. O'Farrell, G. A. G. Byrne, W. S. S. Boxwell, R. T. F. Greene, T. C. Perrott, J. Tierney, and D. Ampleford.

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting.

The minutes of the Half-yearly General Meeting of 26th November, 1914, and of the Special General Meeting held on the 12th February, 1915, were also read, and were signed by the Chairman.

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

The President nominated Messrs. E. N. Edwards, W. Geoghegan, P. K. White, E. F. Collins, and M. Dawson to act as Scrutineers of the ballot for the Council in November next.

President's Address.

THE PRESIDENT, addressing the meeting, said that since their last Half-yearly meeting in November the war had continued to dominate the affairs of the Empire both at home and abroad. Our sailors and soldiers were engaged in the greatest war the world had ever known. They were fighting for the integrity and honour of the Empire, and for a cause that they believed must ultimately be victorious (hear, hear). They joined with their fellow-countrymen in condemning the atrocities which had been committed from time to time by the enemy since the commencement of the war, culminating in the sinking of the Lusitania, when over 1,000 innocent lives were lost, including many women and children. There were now 55 Irish Solicitors and 46 apprentices to Irish Solicitors serving with His Majesty's forces (hear, hear), and he regretted to say that two

of their members had fallen in the field of battle in France doing their duty gallantly, he was proud to say. He referred to Capt. Robert Orr and Lieut. Brendan Fottrell, and their sympathy went out to their relatives.

Turning from the war to the affairs of their profession, they deplored the death of Mr. Grove White, Solicitor, who was for many years a member of the Council.

During the past six months the time of Parliament had necessarily been devoted to matters arising out of the serious crisis which they were going through, and which had been created by the war. Consequently there had been no ordinary legislation. The resolution passed at the Special General Meeting of the Society, held upon the 12th February last, dealing with the question of fixing costs was sent to every judge of the High Court as well as to the County Court Judges throughout Ireland. The receipt of the resolution was acknowledged by the Lord Chief Justice, and it had been favourably received by several of the Judges, many of whom had ceased to adopt the practice complained of. They also received acknowledgments from some of the County Court Judges, and those who replied stated that it was not their practice to measure costs except with the consent of both parties.

Legal Appointments.

The report issued by the Council last November with reference to legal appointments was still receiving careful consideration, and considerable time had been spent by a Committee of the Council in reference to it.

Criminal Evidence Act and Criminal Appeal Act.

The motion moved by Mr. James Brady at the November meeting in reference to the extension to this country of the Criminal Evidence Act, 1898, and the Criminal Appeal Act of 1907, and which was referred to the Council by that meeting, had been very carefully considered, and the opinion of the Council upon the subject had been circulated with the notice calling this meeting.

Dealing first with the Criminal Evidence Act, 1898, the Council received various expressions of opinion as to the desirability of extending this Act to Ireland, and he thought it right to state that both the Northern Law Society and the Southern Law Association were in favour of the extension. The Council also obtained the opinions of many leading Solicitors throughout the country whose opinions differed. Those in favour of the extension contended that every accused person should have the right of giving evidence on his own behalf if so advised, and that an innocent accused person, giving evidence on his own behalf, might be able to explain suspicious circumstances, from which the jury otherwise might infer guilt. The Council had before them a list of twenty-five statutes applicable to Ireland, under which a defendant, in a case of a criminal nature, was entitled to give evidence on his own behalf. On the whole, the Council was of opinion that as a general rule a prisoner would not be a reliable witness for his own defence, and that a prisoner subject to the cross-examination of a prosecuting counsel was liable to be made contradict himself unintentionally, and such contradiction would be urged against the prisoner as evidence of guilt. The Council, in coming to the opinion that it was not desirable to extend the Act to Ireland, had done so with some hesitation, owing to the opinions received in favour of the extension. With reference, however, to the Criminal Appeal Act, 1907, the Council had no difficulty in coming to the opinion that this Act should be extended to this country. The Council desired to draw the attention of the members to the figures contained in a return given in 1913 by the then Attorney-General for England in reply to a question asked by Mr. Vincent Kennedy, M.P. This return would be found in Hansard, and the figures there given would appear, in the opinion of the Council, to have amply justified the creation of the Court of Criminal Appeal in England. On perusing this report it would be found that from the middle of the year 1908 to the 24th July, 1913, there were 159 convictions quashed, and during the same period 167 sentences altered. The Council were of opinion that the liberty of the subject should be protected by right of appeal in

criminal cases. They had received expressions of opinion in favour of a Court of Criminal Appeal in Ireland both from the Northern Law Society and the Southern Law Association, as well as from individual members of the profession. The Council, therefore, reported in favour of the passing of legislation to create a similar Court for Ireland. If they adopted the views of the Council in reference to these Acts he would suggest that for the present no steps should be taken beyond forwarding a resolution to the Law Officers of the Crown and the Irish Members of Parliament. Legislation would be necessary, and he need hardly say that at a time like the present it was not to be expected that such legislation would be initiated, but they looked forward with hope to a time of peace, when this and other desirable legislation could be promoted (applause). The President concluded by moving a resolution:—

“That the extension to Ireland of the Criminal Appeal Act, 1907, is desirable, and that the extension to Ireland of the Criminal Evidence Act, 1898, is not desirable.”

MR. JAMES MOORE, Vice-President, seconded the resolution.

MR. JAMES BRADY said he was glad to know that his Northern and Southern brethren were in accord with him with regard to the Criminal Evidence Act, and their views should be given some attention to. If the question were put to a vote of the entire profession he would, he thought, win easily on the subject. At courtmartial prisoners were allowed to make statements in their own defence, and in 99 cases out of every 100 of these prosecutions the prisoner was acquitted; and he was at a loss to understand why the Council, having regard to the opinions expressed, should not approve of the idea of extending the system to Ireland. Before adopting that portion of the report he considered the question should get some more ventilation amongst the members of the profession generally. The public were in favour of it, and he considered it a hardship that, in a case in which a man was impleaded that day before a magistrate for breaking into the house of a German, he should have his mouth shut while he was being tried on the charge preferred against him.

MR. MACNAMARA said the greatest consideration was given to the question by the Council, who had the advantage of having the opinions of several members from the country in coming to their decision. After considering the view held in regard to it in England, where it was called the “hanging statute,” they thought it more advisable that this Act should not be extended to this country.

MR. JOSEPH ALLEN (Lisburn) said it was the view of the Northern members of the profession that the Act, with the safeguards in the English Act, should be extended to Ireland.

MR. R. BLAIR WHITE said he could bear testimony to the great consideration given by the Council to this matter. The opinions of a large number of members of their profession had been obtained outside the Northern Law Society and the Southern Law Association, and those had to be taken into account, and had influenced the Council in arriving at their decision. However, having regard to the views expressed, he moved that the consideration of that portion of the resolution relating to the Criminal Evidence Act, 1898, should be adjourned until the November meeting.

MR. GAMBLE seconded the amendment, which, on being put to the meeting, was agreed to; and the portion of the resolution relating to the Criminal Appeal Act, 1907, was unanimously adopted.

MR. W. J. SHANNON moved: “That in future the Press be not invited to be present at the Half-yearly General Meeting of the Society held in the month of May,” and in doing so stated that this recommendation was made by the Council as a result of a request contained in a letter to the Council from a member written on behalf of some junior members of the Society, who felt that from time to time questions might be discussed there of much interest to the profession, but of little public interest, and in which discussion junior members who hesitated to take part in public discussions might desire to take part. He thought there was much to be said in support of the suggestion.

MR. JAMES MOORE, Vice-President, seconded the resolution. He said that most of the business transacted at the May Half-yearly Meeting was as a rule formal business connected with the working of the Society, and that some members of the Society would be glad to bring matters of purely professional interest before meetings, which they hesitated to do in the presence of the Press.

MR. MACNAMARA said he was strongly opposed to the resolution. The President's statement of to-day was one of much public interest as well as being of interest to the profession, and he thought it desirable that twice yearly there should be stated general meetings open to the Press.

MR. P. J. BRADY, M.P., opposed the resolution, and said that should questions arise which the members considered desirable to have discussed in the absence of the Press, there would be no difficulty in moving that a general meeting should "go into Committee."

MR. GAMBLE said that the meeting should remember that this suggestion did not originate with the Council. It was made by the Council as a result of a letter received from a member of the Society, in which he said he wrote for himself and for others, and there seemed to several members of the Council much to be said in support of the suggestion, but it was a matter on which the Council were not unanimous, and the meeting could decide it.

MR. JAMES BRADY opposed the resolution, and stated he thought it was in the interests of the profession and the Society that their proceedings should be reported in the public Press.

MR. ROONEY stated that the difficulty could always be met by going into Committee when any matter arose in which it was desirable for a meeting to take that course.

MR. W. J. SHANNON replied, and stated that he still was of opinion that in the general interests of the Society the adoption of his proposal was desirable.

THE PRESIDENT put the resolution, and declared it "lost."

The proceedings then terminated.

Meetings of the Council.

May 19th.

Legal Appointments.

It was resolved that the report of the Council upon Legal Appointments be sent to all those in whom is vested the appointment to any of the offices contained in "Class C" of that report, being offices of a legal nature for which Barristers, Solicitors and other persons are eligible, with a letter drawing attention to the grievances of the Solicitors' profession dealt with in the report, and urging the claims of the profession for a more liberal recognition in the matter of such appointments.

Solicitors Volunteering for Service.

Correspondence was read in reference to the transaction of the legal business of a District Council during the absence of the Solicitor of the Council who had volunteered for military service during the war. The following resolution was adopted, and copies directed to be sent to the Local Government Board, the District Council, the Solicitor to the District Council, and to the Solicitor whom the District Council contemplate appointing in preference to the temporary nominee of their present Solicitor.

Resolved.—The Council are of opinion that a Solicitor who volunteers for Naval or Military Service during the present war is entitled to receive from his professional brethren every possible facility for the carrying on of his business in his absence, and where such Solicitor holds any professional appointment the Council would view with strong disapproval any attempt by a member of the profession to obtain such appointment for his own advantage.

Council Meetings.

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

June 16th and 30th.

July 14th and 28th.

Committee Meetings.

THE following Committee Meetings were held during May :—

- Privileges, 5th.
- Gazette, 6th.
- Court of Examiners, 10th.

Obituary.

MR. SHAPLAND M. TANDY died upon the 4th May, 1915, at his residence, Clarinda Park House, Kingstown, County Dublin.

Mr. Tandy served his apprenticeship with his brother, the late Mr. William Morris Tandy, of 5 Foster Place, Dublin, was admitted in Hilary Term, 1856, and practised as a member of the firm of Messrs. Dobbyn, Tandy and McCoy, at 2 Beresford Place, Dublin and Waterford, up to the year 1897, when he was appointed to be a Taxing Master, which office he held until the year 1914, when he retired.

Mr. Tandy was a member of the Council from 1871 to 1887, and filled the office of Vice-President of the Society in 1886.

MR. THOMAS W. FITZGERALD, Solicitor, died upon the 9th May, 1915.

Mr. Fitzgerald served his apprenticeship with his grandfather, the late Mr. Thomas Fitzgerald, 20 Saint Andrew Street, Dublin, and was admitted in Michaelmas Sittings, 1903. He was a member of the firm of Messrs. D. and T. Fitzgerald, of 20 Saint Andrew Street, Dublin.

Mr. Fitzgerald was a member of the Council during the years 1909 and 1910.

MR. JOSEPH J. HEALY, Solicitor, Skibbereen, died upon the 11th May, 1915, at Tipperary.

Mr. Healy served his apprenticeship with the late Mr. Jeremiah C. Blake, Cork, was admitted in Hilary Sittings, 1879, and practised at Skibbereen.

MR. THOMAS O'KANE, Solicitor, died upon the 15th May, 1915, at his residence, 1 Florence Terrace, Londonderry.

Mr. O'Kane served his apprenticeship with Mr. James E. O'Doherty, Londonderry, was admitted in Michaelmas Sittings, 1889, and practised at Londonderry.

New Members.

THE following joined the Society during May, 1915 :—

- Cox, Arthur C. J., 25 Suffolk Street, Dublin.
- Hogan, Patrick, Loughrea.
- Lynch, James, Ennis.
- O'Connor, James, 57 Dame Street, Dublin.

Notaries Public.

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

- Wm. H. N. Nelson, Solicitor, 57 Arthur Street, Belfast.
- Laurence J. Ryan, Solicitor, Thurles.

Commissioners to Administer Oaths.

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

- Barton G. Barton, Solicitor, 33 Anglesea Street, Dublin.
- F. W. A. Duncan, Solicitor, 49 Dawson Street, Dublin.
- Travers W. King, Solicitor, Ballymena.
- Joseph J. McGrane, Solicitor, 79 Dame Street, Dublin.
- Harry R. Maunsell, Solicitor, 40 Westland Row, Dublin.
- William T. Mackay, Solicitor, 46 Kildare Street, Dublin.
- Wm. H. N. Nelson, Solicitor, 57 Arthur Street, Belfast.
- Daniel A. J. O'Brien, Solicitor, 78 Eccles Street, Dublin.
- Cecil G. Stapleton, Solicitor, 29 Molesworth Street, Dublin.
- Frederick S. D. de V. White, Solicitor, Broadstone Station, Dublin.
- Thomas H. Williams, Solicitor, Sligo.
- Joseph Wilson, Solicitor, Belfast.
- Robert Fraser, Auctioneer and Estate Agent, Sligo.
- Thomas Moffett, Clerk of Petty Sessions, Lurgan.

Dates of Summer Assizes, 1915.

CONNAUGHT CIRCUIT.

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

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

Co. Sligo.—At Sligo, on Thursday, 8th July, at 11.30 a.m.

Co. Roscommon.—At Roscommon, on Monday, 12th July, at 11 a.m.

Co. Mayo.—At Castlebar, on Wednesday, 14th July, at 12 noon.

Co. Galway.—At Galway, on Monday, July 19th, at 11 a.m.

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

Registrars.—Mr. J. Briscoe Cherry, St. Helen's, Bray, Co. Wicklow; Mr. Jas. Harvey Monroe, Darrynane, Palmerston Gardens, Rathmines, Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, Thursday, July 1st, 11.30 o'clock.

Co. Longford.—At Longford, Saturday, July 3rd, 11 o'clock.

Co. Cavan.—At Cavan, Tuesday, July 6th, at 11 o'clock.

Co. Fermanagh.—At Enniskillen, Friday, July 9th, at 11 o'clock.

Co. Tyrone.—At Omagh, Monday, July 12th, at 11 o'clock.

Co. Donegal.—At Lifford, Thursday, July 15th, at 11 o'clock.

Co. Londonderry.—At Londonderry, Saturday, July 17th, at 11.30 o'clock.

Co. of City of Londonderry.—Same place, Monday, July 19th, 11.30 o'clock.

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

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

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, on Thursday, July 1st, at 11.30 o'clock.

Co. Louth.—At Dundalk, on Monday, July 5th, at 11.30 o'clock.

Co. Monaghan.—At Monaghan, on Wednesday, July 7th, at 11 o'clock.

Co. Armagh.—At Armagh, Friday, July 9th, at 11 o'clock.

Co. Down.—At Downpatrick, on Monday, July 12th, at 12.30 o'clock.

Co. Antrim.—At Belfast, on Friday, July 16th, at 12 o'clock.

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

Judges.—The Right Hon. Mr. Justice Dodd, The Right Hon. Mr. Justice Pim.

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

LEINSTER CIRCUIT.

Co. Wicklow.—At Wicklow, Thursday, 1st July, at 12.15 o'clock.

Co. Wexford.—At Wexford, Friday, 2nd July, at 11 o'clock.

Co. Waterford.—At Waterford, Monday, 5th July, at 12 o'clock.

Co. of the City of Waterford.—At Waterford, Monday, 5th July, at 12 o'clock.

Co. Tipperary (S. Riding).—At Clonmel, Wednesday, 7th July, at 11 o'clock.

Co. Tipperary (N. Riding).—At Nenagh, Friday, 9th July, at 11 o'clock.

Queen's Co.—At Maryborough, Monday, 12th July, at 11 o'clock.

Co. Kilkenny.—At Kilkenny, Tuesday, 13th July, at 11 o'clock.

Co. of the City of Kilkenny.—At Kilkenny, Tuesday, 13th July, at 11 o'clock.

Co. Carlow.—At Carlow, Wednesday, 14th July, at 11.30 o'clock.

Co. Kildare.—At Naas, Thursday, 15th July, at 11 o'clock.

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

Registrars.—Mr. Francis Kennedy, Marino Park, Blackrock, Co. Dublin; and Mr. Edward H. Kenny, Marlfield, Cabinteely, Co. Dublin.

MUNSTER CIRCUIT.

County of Clare.—At Ennis, Friday, July 2nd, at 11 a.m.

County of Limerick.—At Limerick, Wednesday, July 7th, at 11 a.m.

County of Kerry.—At Tralee, Tuesday, July 13th at 11 a.m.

County of Cork.—At Cork, Wednesday, July 21st, at 11 a.m.

County of the City of Cork.—At Cork, Friday, July 23rd, at 10.30 a.m.

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

Registrars.—Walter E. Ronan, Esq., 45 Fitzwilliam Square, Dublin; William T. Sheridan, Esq., 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.)

KING'S BENCH DIVISION.

(Before Dodd, J., without a Jury.)

Porter v. Kirtlan.

May 14, 1915.—*English Solicitor instructing Irish Solicitor—Agency—Custom.*

THIS was an action brought by Mr. Robert J. Porter, Solicitor, of 1 Wellington Place, Belfast, against the defendant, who is an English Solicitor, 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.

The defendant instructed the plaintiff to take proceedings in the Irish Courts at the suit of a client of the defendant resident in England.

The plaintiff carried out the defendant's instructions, and incurred costs both as between party and party and Solicitor and client which were not recoverable from the persons in Ireland against whom the proceedings had been brought. The plaintiff furnished particulars of these costs to the defendant, and claimed payment of the amount from him. There had been no agreement between plaintiff and defendant as to costs.

Upon behalf of the plaintiff evidence was given by Sir John Lynch, Mr. W. S. Hayes and Mr. R. Blair White, Solicitors, of a recognised custom as between English and Irish Solicitors, that when an English Solicitor instructs an Irish Solicitor to take proceedings on behalf of a client of the English Solicitor, in the absence of an agreement to the contrary, the English Solicitor is liable to the Irish Solicitor for the costs incurred by the Irish Solicitor as a result of his instructions, and of a recognised custom that the Irish Solicitor allows to the English Solicitor one-third of the amount of the profit costs.

Evidence was given on behalf of the defendant by Mr. Everard Hamilton, Solicitor, that he was not aware of any recognised custom as between English and Irish

Solicitors under which an Irish Solicitor is entitled to regard the English Solicitor who instructs him as his client.

The cases referred to were *Hyndman v. Ward* (T. L. R., Vol. xv., 182, and S. J., Vol. 43, 246), and *Scrace v. Whittington* (2 B. and C., 14).

Mr. Justice Dodd gave judgment for the Plaintiff, 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.

New Solicitor.

THE following was admitted during May, 1915 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Thornton, Alfred	Michael Verdon,
Victor Gibson	Castlebar

Intermediate Examination.

THE July Intermediate Examination will be held on Thursday, 1st July. Notices from Apprentices intending to present themselves for the Examination should be lodged in the Secretary's Office on or before Wednesday, 16th June.

Calendar of the Incorporated Law Society, 1915.

THE Calendar and Law Directory, published by the Society for 1915, can be obtained in the Secretary's Office, price three shillings, or by post three shillings and fourpence.

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

**NATIONAL INCOME TAX
RECOVERY AGENCY,**

4 COLLEGE GREEN, DUBLIN.

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

Tax on Bank Interest Recovered.

Fixed Terms.

No Elastic Arrangements.

R. G. BARBOR, Manager.

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



THE GAZETTE

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THE GAZETTE

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July, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 2nd.

Four Courts V. A. D.

An application for the use of the Society's Hall by classes of instruction of the Four Courts Voluntary Aid Detachment was granted.

Summons Servers.

A letter was read from the Game Protection Association drawing attention to the fact that in several Petty Sessions districts there are no summons servers appointed by the Justices. It was resolved to write the Registrar of Petty Sessions Clerks on the matter.

June 16th.

Examinations.

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

Illegal Conveyancing.

A letter was read from a country member giving particulars of a case in which a non-professional person had prepared a deed of transfer of land for remuneration. It was ordered that instructions be given for proceedings for recovery of a penalty under 27 Victoria, Cap. 8.

Summons Servers.

A letter was read in reply from the Registrar of Petty Sessions Clerks that he is aware in some Petty Sessions Districts in

Ireland there are no summons servers appointed by the magistrates under statute, and that magistrates are quite willing to appoint qualified persons as summons servers, but there are no applicants for the posts, though means are taken by the Justices and Petty Sessions Clerks to make the want of a summons server known.

The matter was referred to the County Courts Committee, and suggestions are invited from country members in reference to it.

June 30th.

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 1916.

Legal Appointments.

Letters were read from the Under Secretary for Ireland on behalf of the Lord Lieutenant, from the Secretary of the Lord Chancellor, and from the Secretary of the Lord Chief Justice acknowledging the receipt of the Report of the Council in reference to Appointments to Legal Offices in Ireland.

Royal Commission on the Civil Service.

A letter in reply was read from the Secretary of the Royal Commission on the Civil Service stating that the Commission do not propose to include the Irish Legal Departments in their inquiry.

Council Meetings.

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

July 14th and 28th.

October 6th and 20th.

Committee Meetings.

THE following Committee Meetings were held during June :—

Costs, 7th.

Gazette, 8th.

Court of Examiners, 14th.

Court and Offices, 23rd.

Obituary.

MR. JAMES GOFF died upon the 18th June, 1915, at his residence, 29 Lower Leeson Street, Dublin.

Mr. Goff served his apprenticeship with the late Mr. William F. Rogers, of 11 Eustace Street, Dublin, and practised at 1 Lower Ormond Quay, Dublin, up to the year 1901, when he was appointed to be a Taxing Master, which office he held until the year 1914, when he retired.

Mr. Goff was a member of the Council from 1895 to 1901, and filled the offices of Vice-President and President of the Society in the years 1897 and 1901 respectively.

New Member.

THE following joined the Society during June, 1915 :—

Stephens, Francis E., 52 Dame Street, Dublin.

Notary Public.

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

Henry G. Connolly, Solicitor, Clifden.

Commissioners to Administer Oaths.

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

Henry G. Connolly, Solicitor, Clifden.

James Cosgrave, Clerk to Urban Council, Granard.

Edward J. Hay, Clerk of Petty Sessions, Coleraine.

William Stockdale, Auctioneer, Tyrone.

John Walsh, Auctioneer, Templemore.

Proceedings in Minor Matters.

THE Lord Chancellor has made the following Orders relating to proceedings in Minor matters :—

I, the Right Honourable Ignatius J. O'Brien, Lord Chancellor of Ireland, in pursuance of the powers reserved to me Under Order V., Rule 2, of the Rules of the Supreme Court (Ireland), 1905, and of all other powers hereunto me enabling, hereby order and direct that the Clerk of Records and Writs shall transmit to my Secretary all originating summonses in minor matters or relating to the property of minors brought under Order LV., Rule 3 (7), (8), (9), and the same shall be assigned to me, and shall be so marked by the Clerk of Records and Writs, subject however to the provisions of Order V., Rule 2 (K) of the said Rules of the Supreme Court.

(Signed),

IGNATIUS J. O'BRIEN, C.

25th June, 1915.

I, the Right Honourable Ignatius J. O'Brien, Lord Chancellor of Ireland, in pursuance of the powers vested in me under Order V., Rule 2, of the Rules of the Supreme Court (Ireland), 1905, and of all other powers hereunto me enabling, hereby order and direct that all originating summonses in minor matters shall be returnable before the Chief Clerk of the Lord Chancellor.

In any case appearing to the Chief Clerk by reason of its importance to so require, or if any party requests, the summons shall be placed in the Lord Chancellor's list. Otherwise such summons shall be dealt with by the Chief Clerk.

(Signed),

IGNATIUS J. O'BRIEN, C.

1st July, 1915.

Accountant-General's Accounts.

At the request of the Lord Chancellor the Council have considered the form of Accountant-General's account hitherto in use in the High Court with a view to its improvement. The Council have had before them the forms in use in the Supreme Court Pay Office of the Royal Courts of Justice, London. A Committee of the Council have had interviews with the Accountant-General, and a new form has now been settled, and has been approved by the Lord Chancellor and Judges of the Chancery Division. The account will in future be in book form, and when lodged to be made up will be written up to date, but will not be balanced. An Accountant-General's certificate showing the balances of stocks and cash to credit will be issued as heretofore when required.

Death Duties (Killed in War) Act, 1914.

APPLICATIONS for remission of duty under the above Act, in cases where the deceased has made a Will, should be accompanied by a copy of the Will.

In reply to the inquiry whether Regulations had been issued under the Act, the following letter has been received:—

Estate Duty Office,
Custom House, Dublin,

14th June, 1915.

DEAR SIR,

In reply to your letter of the 11th inst., I write to say that no "Regulations" under the Death Duties (Killed in War) Act, 1914, have been issued by the Commissioners of

Inland Revenue, but in the instructions issued by them to the Officers of this Department, the applications for remission of duty under Section 1 of the Act must, in the first instance, be made to the Admiralty or the War Office, as the case requires, who, if satisfied that the case comes within the Act, makes the necessary recommendation to the Commissioners of Inland Revenue, and the matter is then dealt with by this Office in the regular course.

The cases falling under Section 2 of the Act are dealt with by the Office without reference to the Treasury.

Yours faithfully,

(Signed), A. WHEWELL,

Assistant Secretary and Registrar.

W. G. Wakely, Esq.,

Secretary,

Incorporated Law Society of Ireland,

Solicitors' Buildings,

Four Courts, Dublin.

Land Registry Practice.

Applications for First Registration and to Discharge Equities.

CHANGE OF PRACTICE.

ON and after the 1st July, 1915, Rulings on Title will be issued direct by the Central Office of the Land Registry to the Solicitors lodging applications to discharge equities or applications for first registration.

Any returnable papers lodged direct in the Central Office in reply to the Rulings so issued will be returned by the Central Office to the Solicitor who lodged them. Other returnable papers (if any) will be returned through the local office in which they were lodged.

Results of Examinations.

PRELIMINARY EXAMINATION.

At the Preliminary Examination held upon 20th and 21st days of May, the following

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

1. Vincent P. Shields.
2. William Devoy.
3. John B. Murphy.
4. Bernard B. Hoy.
5. Robert C. Macaulay.
6. Thomas Elliott.
7. Henry A. Rutherford.
8. John A. Murphy.

Eleven candidates attended : eight passed ; three were postponed.

PRELIMINARY EXAMINATIONS PRIZES, 1914-15.

The Council awarded Special Certificates to John A. O'Connell and Vincent P. Shields.

FINAL EXAMINATION.

At the Final Examination held on 26th, 27th and 28th May, the following passed the examination, and their names are arranged in order of merit :—

1. Denis Boudren.
2. John J. Hanratty.
3. William L. Hodgins, B.A., T.C.D.
4. Claude C. Gotto.
5. Edward O'Shaughnessy.
6. John K. Woods.
7. Joseph G. O'Kane.
8. Maurice J. Woulfe.
9. Daniel O'Grady.

10. Robert F. Browne, B.A., LL.B., T.C.D.
(George V. Maloney, B.A.,)
11. { LL.B., N.U.I. } equal.
(Richard T. Scallan. •)
13. Denis J. Hannon.
14. Patrick F. Quinlan, B.A., T.C.D.

The Council awarded a Gold Medal to Denis Boudren, Silver Medals to John J. Hanratty, William L. Hodgins, B.A., T.C.D., and Claude C. Gotto ; and Special Certificates to Edward O'Shaughnessy, John K. Woods, and Joseph G. O'Kane.

Nineteen candidates attended : fourteen passed ; five were postponed.

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

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



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THE GAZETTE

Published by Authority of Her Majesty's Stationery Office

Printed and Published by His Majesty's Stationery Office, 25, Abchurch Lane, London, E.C. 4A

1914

THE GAZETTE

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Vol. IX, No. 4.]

August, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

July 14th.

Examination Results.

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

Certificate.

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

July 28th.

Courts (Emergency Powers) Act, 1914.

A Scale of Costs for applications in the County Courts under the Courts (Emergency Powers) Act, 1914, settled by the County Court Judges, and published in the Press on 23rd inst., being considered by the Council to be unsatisfactory, was referred to the County Courts Committee, with power to act.

Four Courts Ambulance Corps.

A letter was read from the Committee of the Four Courts Ambulance Corps, thanking the Council for the use of the Society's Hall for demonstrations in First Aid work, and stating that about fifty Four Courts officials had obtained their qualifications, and hope to put the knowledge thus obtained to practical use with R.A.M.C. work.

Law Clerks.

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

Council Meetings.

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

October 6th and 20th.

November 3rd and 17th.

Committee Meetings.

THE following Committee Meetings were held during July:—

House, Library and Finance, 7th.

Gazette, 12th.

Court of Examiners, 13th and 23rd.

Costs, 20th.

County Courts, 29th.

New Members.

THE following joined the Society during July, 1915:—

White, J. Malvern, 4 Westmoreland Street, Dublin.

Woods, John K., 46 Fleet Street, Dublin.

Obituary.

MR. JOHN DUNDON, Solicitor, died upon the 9th July, 1915, at his residence, 101 George Street, Limerick.

Mr. Dundon served his apprenticeship with the late Mr. Joseph Murphy, of Limerick, was admitted in Michaelmas Term, 1868, and practised (formerly in partnership with Mr. James A. Doyle) at Limerick.

MR. HENRY C. NEILSON, Solicitor, died upon the 16th July, 1915, at his residence, 12 Mount Eden Road, Donnybrook, Co. Dublin.

Mr. Neilson served his apprenticeship with the late Mr. Richard O. Armstrong, 62 Upper Sackville Street, Dublin, was admitted in Easter Term, 1863, and practised at 10 Fleet Street, Dublin. Mr. Neilson was a member of the Council from 1880 to 1885.

MR. WALTER P. BOAS, Solicitor, died upon the 24th July, 1915, at his residence, Morston, Malone Park, Belfast.

Mr. Boas served his apprenticeship with Mr. Alfred E. Brett, Belfast, was admitted in Hilary Sittings, 1899, and practised in partnership with the late Mr. W. B. Galway (under the style of Messrs. Galway and Boas) at Ann Street, Belfast, up to the year 1913, when he was appointed Solicitor to the Ulster Bank.

Legal Appointment.

Mr. David L. Clarke, Solicitor, Castlebar, has been appointed an Auditor to the Local Government Board for Ireland.

Notary Public.

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

Robert Elder, Solicitor, Athlone.

Commissioners to Administer Oaths.

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

Robert Elder, Solicitor, Athlone.
James Barrington, Clerk to Urban Council, Carrick-on-Suir.
Edward M. Kennedy, Auctioneer, Gort.
Timothy Meehan, Clerk, Ballybofey.
William M. Mitchell, Auctioneer, Gort.

Examination Results.

AT the Intermediate Examination for Apprentices held upon the 1st July, the following passed the examination :—

CLASS I.

1. Daniel J. Browne.
2. Philip H. J. O'Reilly.
3. Thomas J. Kelly.
4. David McIlvenan.
5. Patrick J. Kennedy.
6. Barry J. Sullivan.
7. Francis B. O'Toole.
8. John Gallery.
William E. O'Reilly. } equal.
10. Patrick T. J. Mulligan.
11. James Fagan.
12. Frederick C. Ellis.
Herbert C. Scott. } equal.
14. Martin T. Breene.
15. Edward J. Duffy.
16. Samuel Henry.
17. Frederick M. Duffy.
18. James A. Binchy.

CLASS II.

1. William D. Mockler.
2. Laurence F. Branigan.
3. William P. P. Cahill.
4. John W. Callan.
5. Joseph J. Tallon.
6. Gerald Daly, Junior.
Charles G. MacMahon. } equal.
8. Justin C. McKenna.
9. Francis Clinch, junior.
10. Nathaniel Levitt.
11. Thomas H. O'Donovan.
12. James H. Power.

The remaining candidates were postponed.

Thirty-three candidates attended: thirty passed; three were postponed.

New Solicitors.

THE following were admitted during June and July, 1915 :—

<i>Name</i>	<i>Served Apprenticeship to</i>
Hannon, Denis Joseph...	Charles E. Fair, Athlone.
Herbert, Richard A. ...	William P. Maguire, Enniskillen.
O'Kane, Joseph Gerald	Thomas O'Kane, London- derry.
O'Shaughnessy, Edward	Patrick A. Murphy, Waterford.
Scallan, Richard Talbot	Francis J. Scallan, 25 Suffolk Street, Dublin.
White, John Malvern S.	William T. Sheridan, 24 Eustace St., Dublin.
Woods, John Kirwan ...	James Moran, 2 Inns Quay, Dublin, and Frank Fott- trell, 46 Fleet Street, Dublin.
Woulfe, Maurice J. ...	Arthur E. Bradley, 11 Lr. Ormond Quay, Dublin.

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

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

A roll of the names of Irish Solicitors and Apprentices to Irish Solicitors serving in His Majesty's forces has been placed in the Entrance Hall of the Solicitors' Buildings, Four Courts.

Should the name of any Solicitor, or Apprentice, who is at present serving in His Majesty's forces be omitted from the sub-joined list, or should there be any inaccuracy in the list, it is particularly requested that information will be sent to the Secretary.

SOLICITORS.

Atkinson, Thomas J., Captain, 9th Batt., Royal Irish Fusiliers.
Ball, George J., Captain (attached), Royal Engineers.
Barron, Louis, Lieut., 7th Batt., Border Regiment.
Beaumont, Arthur, Machine Gun Section, 4th Canadian Mounted Rifles.
Bridge, Wm. P., "D" Co., 7th Batt., Royal Dublin Fusiliers.
Brown, J. Barry, 2nd Lieut., 4th Batt., Connaught Rangers.
Butler, James B., 2nd Lieut., Royal Field Artillery.
Campbell, John P. V., 2nd Lieut., Army Service Corps.

Cox, Piers J., Motor Despatch Rider, Royal Engineers.
Craig, Charles C., M.P., Captain, 11th Batt., Royal Irish Rifles.
Creagh, Lancelot G., 2nd Lieut., Bedfordshire Regiment.
Crozier, Fras. R. M., Captain, 6th Batt., Royal Irish Fusiliers.
Cunningham, Frederick A., Major, late 3rd Batt. Cameronians (Scottish Rifles), Recruiting Officer, Belfast.
Dunlea, Aloysius M., Captain, 6th Batt., Royal Irish Regiment.
Dunn, John V., Lieut., 7th Batt., Royal Munster Fusiliers.
English, Robert D., Captain, 8th Batt., Royal Dublin Fusiliers.
Exham, Cecil H., Lieut., 4th Batt., Royal Munster Fusiliers.
Falls, Chas. F., Major, 11th Batt., Royal Inniskilling Fusiliers.
Findlater, Herbert S., "D" Co., 7th Batt., Royal Dublin Fusiliers.
Fottrell, Brendan J., Lieut., 3rd Batt., Royal Irish Regiment. **Killed in action.**
Fry, Philip G., Lieut., 8th Batt., Royal Irish Fusiliers.
Galt, William H. C., 2nd Lieut., Army Service Corps.
Gillespie, Thomas V., 2nd Lieut., 6th Batt., Royal Inniskilling Fusiliers.
Gilmore, Dinnen B., 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
Goddard, Norris, Lieut., R.N.V.R.
Gordon, Herbert C., Lieut., 11th Batt., Royal Inniskilling Fusiliers.
Hunt, E. D., 2nd Lieut., Army Service Corps.
Johns, Tyndall S., Captain, 12th Batt., Royal Irish Rifles.
Kearney, Francis E., Captain, Recruiting Officer, Limerick.
Knight, William W. M., 2nd Lieut., 11th Batt., Royal Inniskilling Fusiliers.
Lane, William Aubrey, 2nd Lieut., Army Service Corps.
Lecky, Hugh, 2nd Lieut., 7th Batt., Royal Dublin Fusiliers.
MacCarthy, George E., The Irish Guards.
MacCulloch, Robt. R., Sergeant, No. 1 Battery, Motor Machine Gun Service.
Machin, Alfred S., Lieut., 5th Batt., Royal Irish Fusiliers.
McAreyve, J. A., 2nd Lieut., 4th Batt., Royal Inniskilling Fusiliers.

McCallum, John D. M., Captain, 8th Batt., Royal Irish Rifles.
 McCormick, H. C. Gordon, 2nd Lieut., Army Service Corps.
 McLean, Robert E., Major, 13th Batt., Royal Irish Rifles.
 Miller, Julian T. E., Captain, 10th Batt., Royal Inniskilling Fusiliers.
 Monks, Thomas F. (jun.), 2nd Lieut., Royal Field Artillery.
 Moynagh, S. H., 2nd Lieut., Recruiting Officer, Dundalk.
 Munn, Alfred A. E. M., Lieut., 11th Batt., Inniskilling Fusiliers.
 Nolan, William S., 2nd Lieut., Army Service Corps.
 O'Grady, Wm. M., 2nd Lieut., 14th Batt., Manchester Regiment.
 Orr, Robert C., Captain, 3rd Batt., Somersetshire Light Infantry. **Killed in action.**
 Parke James C., Captain, 6th Batt., Leinster Regiment.
 Peel, John A., Motor Despatch Rider, 107th Infantry Brigade, Ulster Division.
 Ramage, William, Motor Cyclist, Royal Engineers.
 Richards, Wm. R., Captain, 6th Batt., Royal Dublin Fusiliers.
 Ronan, John, Lieut., Motor Machine Gun Service.
 Ryan, Wm. G., 2nd Lieut., 6th Batt., Royal Irish Rifles.
 Scott, Robert H., Captain, 6th Batt., Inniskilling Fusiliers.
 Simmons, Rd., Lieut., Army Service Corps.
 Simms, Alfred G. F., Lieut., 6th Batt., Connaught Rangers.
 Slattery, Edmond B., 2nd Lieut., 7th Batt., Royal Munster Fusiliers.
 Smiles, Wm. A., Captain, 9th Batt., Royal Irish Rifles.
 Stanton, Robert, 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
 Toomey, Mark A., 2nd Lieut., Army Service Corps.
 Triscott, Cyril, 2nd Lieut., Sherwood Foresters.
 Wallace, Robert H., C.B., Colonel, Temporary Lieut.-Col., commanding 17th Batt., Royal Irish Rifles.
 Watson, Saml. H., 2nd Lieut., R. F. Artillery.
 Watts, Robt., 2nd Lieut., Army Service Corps.

Webb, Samuel C., 2nd Lieut., 5th Batt., Royal Munster Fusiliers.
 Williamson, Richard, 2nd Lieut., Army Service Corps.
 Wright, Wm. M., Lieut., 13th Batt., R. I. Rifles.

APPRENTICES.

Alexander, Edmund J., 6th Batt., Black Watch.
 Baillie, Hugh M., 2nd Lieut., 16th Batt., Royal Irish Rifles.
 Brett, Jasper T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Bridge, Allman V., 2nd Lieut., 6th Batt., Royal Irish Regiment.
 Bustard, Robert D. C., 2nd Lieut., 16th Batt., King's (Liverpool) Regiment.
 Callaghan, A. Nickson, 2nd Lieut., 14th Batt., King's (Liverpool) Regiment.
 Conan, Alan J., Army Service Corps.
 Crinion, Timothy C., 2nd Lieut., 11th Batt., Duke of Wellington's (West Riding) Regiment.
 Crookshank, Arthur C., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Davidson, James J., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Denroche, Chas. T., Lieut., 7th Batt., The Leinster Regiment.
 Disney, Thos. B. L., Motor Despatch Rider, Royal Engineers.
 Donnelly, Joseph A., 2nd Lieut., Royal Field Artillery.
 Dunbar, Thomas, 2nd Lieut., Army Service Corps.
 Falkiner, Frederick E. B., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 Farrell, Cecil J., Capt., 5th Batt., Leinster Regiment.
 Fitzgibbon, Michl. J., Lieut., 7th Batt., Royal Dublin Fusiliers.
 Fitzgerald, James G. E., Lieut., 9th Batt., Royal Irish Fusiliers.
 Furlong, Philip J., 2nd Lieut., 16th Batt., King's (Liverpool) Regiment.
 Fyffe, William H., 2nd Lieut., 11th Batt., Staffordshire Regiment.
 Garvey, Ivan H., Lieut., 3rd Batt., Connaught Rangers.
 Gotto, Claude C., 2nd Lieut., Army Service Corps.
 Greer, James K MacG., Lieut., 3rd Dragoon Guards.

Hodnett, George P., 2nd Lieut., Army Service Corps.
 Jagoe, James F., 2nd Lieut., 16th Batt., King's (Liverpool) Regiment.
 Kavanagh, John J., Captain, 3rd Batt., Connaught Rangers.
 Little, Joseph J., 2nd Lieut., 13th Batt., Sherwood Foresters.
 Magnier, William J. (jun.), 2nd Lieut., 7th Batt., Royal Munster Fusiliers.
 Mahaffy, Henry I., 13th Batt., Royal Irish Rifles.
 McCarthy, W. T., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 McFerran, William R., "D" Co., 7th Batt., Royal Dublin Fusiliers.
 McGonigal, Robert W., 2nd Lieut., Royal Garrison Artillery.
 McIlldowie, John D., 2nd Lieut., 11th Batt., Royal Inniskilling Fusiliers.
 McKee, Herbert M., 2nd Lieut., 9th Batt., Royal Irish Rifles.
 Meldon, Louis A., 2nd Lieut., Army Service Corps.
 Mitchell, John S., North Irish Horse.
 Moloney, Michael, 2nd Lieut., 6th Batt., Royal Dublin Fusiliers.
 Moore, Francis, 2nd Lieut., 3rd Batt., Royal Irish Rifles.
 Moorhead, Robt., 2nd Lieut., 4th Batt., Royal Irish Rifles.
 O'Dwyer, John, junr., 2nd Lieut., 9th Batt., Royal Dublin Fusiliers.
 O'Morchoe, Arthur D., Lieut., 5th Batt., The Leinster Regiment.
 Parr, Victor H., Captain, 7th Batt., Inniskilling Fusiliers.
 Patterson, Richd. G. G., 9th Batt., Royal Irish Fusiliers.
 Purcell, Noel M. J., Lieut., 6th Batt., The Leinster Regiment.
 Ryan, Edward T., Lieut., 4th Batt., Royal Irish Regiment.
 Sainsbury, Reginald A., South Irish Horse.
 Schute, J. Hartley, Lieut., 6th Batt., Royal Irish Fusiliers.
 Stevens, Wm. P., 2nd Lieut., 7th Batt., The King's (Liverpool) Regiment.
 Tougher, Robt. A., 2nd Lieut., Army Service Corps.
 Turnbull, Alex. M., Motor Despatch Rider, Royal Engineers.
 Wallace, Thos. H., 2nd Lieut., Army Service Corps.

Walsh, Kevin, 2nd Lieut., Army Service Corps.
 White, Richard, 2nd Lieut., Army Service Corps.
 Williams, Saml. E., 2nd Lieut., 6th Batt., Royal Irish Regiment.
 Wilson, John B. M., 2nd Lieut., 10th Batt., Bedfordshire Regiment.
 Wray, John P., Captain, 6th Batt., Connaught Rangers.

Dates of October Examinations.

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

October 7th and 8th.—Preliminary (Notices of intending candidates to be lodged in Secretary's office on or before 23rd September).

October 11th.—Intermediate (Notices of intending candidates to be lodged in Secretary's office on or before 27th September).

October 12th, 13th and 14th.—Final (Notices of intending candidates to be lodged in Secretary's office on or before 28th September).

Michaelmas Sittings Lectures.

PROFESSOR MAYNE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity and Conveyancing on the following dates in Michaelmas Sittings, 1915:—

October, 26, 29.

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

December 3.

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

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

October 25, 28.

November 1, 4, 8, 11, 15, 18, 22, 25, 29.

December 2.

BOOKS.—Anson on Contracts; Ringwood on Torts.

The lectures to both classes will be delivered at 4 o'clock p.m. in the Lecture Theatre of the Society, Solicitors' Buildings, Four Courts. Apprentices desirous of attending either lecture class should give notice to the Secretary before the 18th October.

Solicitors' Apprentices' Debating Society.

THE following have been elected officers of the above Society for the session 1915-16 :— President, the President of the Incorporated Law Society; Auditor, John Foley; Secretary, P. J. Rutledge; Treasurer, R. J. Kelly; Committee, John O'Hanrahan (ex-auditor), L. P. Gleeson, K. S. Reddin, Albert Woodcock, J. B. Hamill, H. A. Maginness, and G. N. Reddin. The following distinctions have been awarded :—

Oratory.—Incorporated Law Society's Gold Medal—W. J. Fitzgerald. Society's Silver Medal and Special Certificate—J. A. Meagher, B.A. Special Certificate—John O'Hanrahan.

Legal Debate.—President's Gold Medal and Special Certificate—John O'Hanrahan. Society's Silver Medal and Special Certificate—W. J. Fitzgerald.

Impromptu Speeches.—Cussen Gold Medal and Sir George Roche Prize—John O'Hanrahan. Cussen Silver Medal.—J. B. Hamill (Mr. J. A. Meagher being ineligible through having been awarded a medal last year).

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

THE Half-yearly General Meeting of this Association was held at Thurles, on Wednesday, the 21st July, 1915.

In the unavoidable absence of the President, Mr. H. T. Sayers presided. The following members were also present :—Messrs. L. J. Ryan, N. F. Maher, M. Gleeson, R. B. Heuston, W. J. Purcell, A. H. Morgan (Hon. Treasurer), J. J. Ryan, F. J. O'Connor, J. F. D'Arcy, Arnold Power, William Frewen, J. F. Dudley, James O'Brien, T. F. O'Brien, and Henry Shannon (Hon. Secs.)

Letters of apology for non-attendance were read from several members.

The minutes of the Half-yearly General Meeting held on the 19th October, 1914, were read and signed.

The Hon. Sec. (Mr. H. Shannon) read a proposed new Rule, No. 12A, as appearing on the agenda, viz. :—"Members of the Association shall not ask the Court, or instruct

"Counsel, to apply to have the costs of motions measured in either the King's Bench or Chancery Division of the High Court, or in proceedings in the County Court in which members appear for the unsuccessful party, unless there are special circumstances within the meaning of Order 65, Rule 25 of the Supreme Court Rules. Any member found guilty of a breach of this Rule by the General Committee, or a majority thereof, on a complaint made to them by any one or more members of the Bar, shall be subject to such penalty as the General Committee, or a majority thereof, shall impose, not exceeding £10, subject to the right of appeal provided for under Rule 15; and no member charged with any such complaint shall be entitled to vote in relation thereto."

Mr. Shannon stated that this had been approved by the General Committee of the Association, and was carrying into effect the resolution of the General Council of the Bar of Ireland, following, on correspondence between that Council and the Council of the Incorporated Law Society. After discussion the resolution was proposed by Mr. William Frewen, seconded by Mr. Arnold Power, and passed unanimously.

Mr. Shannon proposed for adoption Rule 12B, as appearing on the agenda, and its adoption was seconded by Mr. Michael Gleeson, viz. :—"No member of the Association shall accept an apprentice to learn the profession of a Solicitor without submitting the name of such intended apprentice to and obtaining the approval of the General Committee, and no member shall be at liberty to accept an apprentice whom the General Committee shall reasonably decide would be an undesirable member of the profession."

"No member of the Association shall accept an articled clerk to learn the profession of a Solicitor without submitting the name of such intended articled clerk to and obtaining the approval of the General Committee; and no member shall be at liberty to accept an articled clerk whom the General Committee shall reasonably decide would be an undesirable member of the profession."

“ Any member found guilty of a breach of this Rule by the General Committee, or a majority thereof, or on appeal, a majority of the members present at a General Meeting, shall be subject to such fine or penalty as the General Committee shall impose not exceeding £100, the above appeal being governed by Rule 15 of the Association.”

Mr. Shannon explained that the Rule was proposed with a view to exercising reasonable control over those about to enter the profession, and in order that the Association may be in a position to keep up the standard of the profession in the interest of the public as well as of the profession; that the control would be exercised in a reasonable spirit, which was assured, by the constitution of the General Committee; also by the right of appeal to a General Meeting of the Association.

Several members having spoken, the adoption of the Rule was put to the meeting, and was declared carried, with one dissentient.

Mr. R. B. Heuston proposed, and Mr. J. F. D'Arcy seconded, the following alteration in Rule 9, namely:—“ That the word ‘ ten ’ be substituted for the word ‘ eight ’ in Rule 9 of the Association.” The alteration being put to the meeting, was passed unanimously.

It was proposed by Mr. N. F. Maher, and seconded by Mr. J. H. Dudley, and unanimously resolved, that owing to the

European War the Annual Dinner of the Association be not held this year; that the Hon. Treas. be directed to forward a subscription of £5 from the funds of the Association to the fund for the wounded of the 18th Royal Irish (the County) Regiment; that a further subscription of £5 be forwarded out of the funds to the Association of the Red Cross Ambulance Society for County Tipperary.

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

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

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

Accounts Adjusted.

Returns Prepared.

Injustices Removed.

Overpaid Tax Recovered.

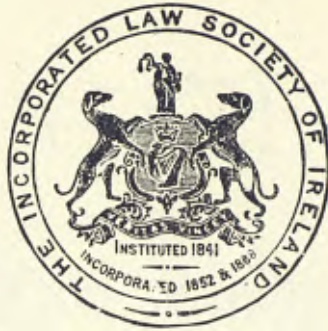
Tax on Bank Interest Recovered.

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No Elastic Arrangements.

R. C. BARBOR, Manager.

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



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 5.]

November, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

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Vol. IX, No. 5.]

November, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

October 6th.

Solicitors and Apprentices Killed in Action.

A resolution was passed expressing the sympathy of the members of the Council with their colleague, Mr. John W. Richards, in his bereavement owing to his son, Captain (Adjutant) W. R. Richards, Solicitor, having been killed in action in the Dardanelles:

Resolutions were also passed expressing the sympathy of the members of the Council with the relatives of Captain J. V. Dunn, Private W. P. Bridge, and Corporal Persse, Solicitors; and Captain M. Fitzgibbon, Lieut. Hartley Schute, and Lieut. Lee Tolerton, Apprentices, all of whom were killed in action in the Dardanelles.

Debt Collecting Circulars.

A letter was read from a country Solicitor enclosing printed circular letter issued by a shopkeeper to debtors demanding payment of debts, and signed in a local Solicitor's name, but without the word "Solicitor."

It was ordered that if satisfactory evidence be forthcoming, proceedings under the Solicitors (Ireland) Act, 1898, be instituted against the shopkeeper.

Courts (Emergency Powers) Act, 1914.— County Court Costs.

A report was submitted from the County Courts Committee, to whom the Scale of County Court Fees under the Courts (Emergency Powers) Act, 1914, issued by the County Court Judges in July last was referred by the Council. The Committee reported that they had inquired as to the fees at present allowed throughout Ireland,

and had ascertained that they were in nearly all Counties in excess of those mentioned in the scale issued by the County Court Judges. The Committee had drafted a new scale, and forwarded it to the County Court Judges with a request that it be adopted in substitution of the scale issued in July. A letter received in reply stated that the Judges considered in view of the temporary character of these costs the scale should not be allowed on any more liberal basis, that they recognised the costs as agreed upon by them are at a low figure; that the scale was intentionally adopted in view of the circumstances under which the legislation was passed, but that in exceptional circumstances any Judge could, of course, give a larger fee if in his discretion he thinks it just to do so.

This matter will be further dealt with in the Annual Report of the Council, and the Judges' Scale of Fees and the Scale prepared by the Committee will be given in detail.

Apprentice Application.

A letter was read from an intending apprentice asking the Council not to offer opposition to an application by him under Section 25 for liberty during his apprenticeship to engage in journalistic work out of office hours. It was decided not to oppose the application.

October 20th.

Resolutions of Sympathy.

Letters were read from Mr. Richards, Mr. Dunn, Mrs. Langley, and Mr. Geoghegan (the master of the late Lieut. Tolerton) thanking the Council for resolutions of sympathy.

Munitions of War Act, 1915: Provisional Rules.

A member of the Society having drawn attention to the rule providing that as regards tribunals of the second class referred to in the Act, no party to any proceeding should be represented before that tribunal by Counsel or Solicitor, the Council considered the matter, and having regard to the statements contained in a letter from the Ministry of Munitions on the subject to the English Law Society, the Council did not consider that they could with advantage take action in the matter.

The letter referred to stated that the rule in question was very carefully considered by the Minister of Munitions, that it was to be noted that the rule applied only to local munitions tribunals, whose jurisdiction is confined to minor cases arising under the Act; that the only offences in this category are breaches of rules of controlled establishments, or regulations under Sec. 4 (5) of the Act, and breaches of undertakings by workmen under Sec. 6 (1), and that in addition these tribunals hear complaints under Sec. 7 (2) that an employer's consent to a workman's leaving him has been unreasonably withheld. The letter further stated that it was felt that legal aid would not be necessary in these minor cases, and that permission to employ it on either side might put the workman at a disadvantage; moreover, that it was desired that cases of this character should be heard by a tribunal of a more domestic character than the ordinary Courts, and the rule was in fact the result of a Parliamentary pledge to that effect. That as regards the more serious cases which might involve important points of law there is no restriction on the employment of Counsel or Solicitors, and that in the circumstances the Minister did not see his way to consider the rescission of the rule.

Court of Examiners.

The report of the Court of Examiners upon the October Preliminary and Intermediate Examinations was submitted and adopted.

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

Council Meetings.

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

November 3rd and 17th.
December 1st, 8th and 15th.

Committee Meetings.

THE following Committee Meetings were held during October:—

Court of Examiners, 1st and 18th.
Costs, 15th, 25th and 28th.
Annual Report, 26th.
House, Library and Finance, 29th.

Ballot for Election of Council.

THE ballot for the election of the Council will take place in the Secretary's Office between the hours of eleven o'clock a.m. and one o'clock p.m., on Monday, the 22nd day of November, 1915.

Ballot papers returned by post should be posted so as to reach the Secretary not later than one o'clock p.m. on Monday, the 22nd day of November, 1915.

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 Friday, the 26th day of November, 1915, at two o'clock p.m. The report of the outgoing Council will be submitted for adoption.

New Members.

THE following joined the Society since July, 1915:—

Miley, Valentine W., 12 South Frederick Street, Dublin.
O'Shaughnessy, Edward, Waterford.

Obituary.

MR. JOHN HARDIMAN, Solicitor, died upon the 20th August, 1915, at Limerick.

Mr. Hardiman served his apprenticeship with the late Mr. Robert McNamara, Limerick, was admitted in Trinity Sittings, 1887, and practised at Charlestown, Co. Mayo.

MR. NICHOLAS J. DOWNES, Solicitor, died upon the 29th August, 1915, at his residence, Belvue, Mullingar.

Mr. Downes served his apprenticeship with the late Mr. James D. Meldon, 14 Upper Ormond Quay, Dublin, was admitted in Michaelmas Term, 1876, and practised at Mullingar.

MR. MICHAEL C. O'HALLORAN, Solicitor, died upon the 1st September, 1915, at Skerries.

Mr. O'Halloran served his apprenticeship with the late Mr. John F. Cullinan, 61 Blessington Street, Dublin, was admitted in Easter Sittings, 1879, and practised formerly at Ennis and latterly at 61 Blessington Street, Dublin.

MR. HUGH V. KENNEDY, Solicitor, died upon the 19th September, 1915, at his residence, 3 Great Denmark Street, Dublin.

Mr. Kennedy served his apprenticeship with his father, the late Mr. James B. Kennedy, 5 Great Denmark Street, Dublin, was admitted in Trinity Term, 1860, and practised at 3 Great Denmark Street, Dublin.

MR. GEORGE L. MACLAINE, Solicitor, died upon the 5th October, 1915, at his residence, Wandsworth House, Strandtown, Belfast.

Mr. MacLaine served his apprenticeship with the late Mr. James Andrews, Belfast, was admitted in Hilary Term, 1858, and practised formerly in partnership with the late Mr. James Andrews (under the style of Andrews and MacLaine), subsequently in partnership with the late Mr. Omar C. Nelson, and latterly in partnership with Mr. William H. N. Nelson (under the style of George L. MacLaine & Co.) at Belfast.

In the year 1874 Mr. MacLaine was appointed to the office of Clerk of the Crown for County Down, and in 1878 he was appointed to the united office of Clerk of the Crown and Peace for the County, which position he occupied up to the time of his death.

Mr. MacLaine was an Extra-ordinary Member of the Council from 1902 to 1904.

MR. JOHN H. H. GILTRAP, Solicitor, died upon the 18th October, 1915.

Mr. Giltrap served his apprenticeship with Mr. Charles H. Chaytor (of the firm of Messrs.

Montgomery and Chaytor), 13 Molesworth Street, Dublin, was admitted in Michaelmas Sittings, 1907, and practised at 35 South Frederick Street, Dublin.

MR. WILLIAM BROWNE, Solicitor died upon the 19th October, 1915, at Priory Place, New Ross, County Wexford.

Mr. Browne served his apprenticeship with the late Mr. William Scallan, 17 Bachelor's Walk, Dublin, was admitted in Hilary Sittings, 1886, and practised at New Ross.

MR. WILLIAM McCUNE, Solicitor, died upon the 23rd October, 1915, at his residence, 73 Harold's Cross, Dublin.

Mr. McCune served his apprenticeship with the late Mr. Edward D. Atkinson, Tanderagee, was admitted in Hilary Term, 1872, and practised formerly at Tanderagee and latterly at 11 Chancery Place, Dublin.

Roll of Honour.

CORPORAL JOHN GEOFFREY PERSSE, Solicitor, 9th Wellington Regiment, New Zealand Expeditionary Force, was killed in action at the Dardanelles on the 7th August, 1915.

Corporal Persse served his apprenticeship with Sir Benjamin Whitney, 46 Kildare Street, Dublin, was admitted in Trinity Sittings, 1909, and practised at Galway for two years, and subsequently went to New Zealand.

PRIVATE WILLIAM PUREFOY BRIDGE, Solicitor, of "D" Company, 7th Battalion, Royal Dublin Fusiliers, died of wounds received in action at the Dardanelles, on the 10th August, 1915.

Private Bridge served his apprenticeship with Mr. Henry R. Tweedy, 13 Hume Street, Dublin, was admitted in Hilary Sittings, 1906, and practised at 18 St. Stephen's Green, Dublin.

CAPTAIN JOHN VALENTINE DUNN, Solicitor, of the 7th Battalion, Royal Munster Fusiliers, was killed in action at the Dardanelles on the 15th August, 1915.

Captain Dunn served his apprenticeship with his father, Mr. James V. Dunn, 60 Middle Abbey Street, Dublin, was admitted

in Michaelmas Sittings, 1913, and practised at 60 Middle Abbey Street, Dublin.

CAPTAIN (Adjutant) WILLIAM REEVES RICHARDS, of the 6th Battalion, Royal Dublin Fusiliers, was killed in action at the Dardanelles on the 15th August, 1915.

Captain Richards served his apprenticeship with Mr. William C. Gage (of the firm of Messrs. S. S. and E. Reeves and Sons), of 51 Merrion Square, Dublin, and was admitted in Trinity Sittings, 1914.

CAPTAIN MICHAEL JOSEPH FITZGIBBON, Solicitor's Apprentice, of the 7th Battalion, Royal Dublin Fusiliers, was killed in action at the Dardanelles on the 15th August 1915.

Captain FitzGibbon was apprenticed on the 16th March, 1910, to Master Denning, then of the firm of Messrs. Hoey and Denning, 12 Trinity Street, Dublin.

LIEUTENANT JOHN HARTLEY SCHUTE, Solicitor's Apprentice, of the 6th Battalion, Royal Irish Fusiliers, was killed in action at the Dardanelles on the 16th August, 1915.

Lieutenant Schute was apprenticed on the 15th February, 1912, to Mr. Nathaniel Taylor, 23 St. Stephen's Green, Dublin.

LIEUTENANT SAMUEL LEE TOLERTON, Solicitor's Apprentice, of the 6th Battalion, Royal Irish Fusiliers, was killed in action at the Dardanelles on the 15th August, 1915.

Lieutenant Tolerton was apprenticed on the 3rd February, 1910, to Mr. Wm. H. Geoghegan, 19 Kildare Street, Dublin.

Legal Appointments.

MR. GEORGE B. WALKINGTON, Belfast, has been appointed Solicitor to the Ulster Bank, Limited, Belfast, in room of the late Mr. W. P. Boas.

MR. CHARLES J. QUIRKE, Solicitor, 15 South Frederick Street, Dublin, has been appointed Registrar to the County Court Judge of Tyrone.

Military Cross.

His Majesty the King has been graciously pleased to confer the Military Cross on Captain John Joseph Kavanagh, 3rd Battalion the Connaught Rangers, attached 1st

Battalion, for conspicuous gallantry and devotion to duty on 25th September, 1915, when on special observation duty in a "crow's nest" in a very exposed building. From 6 a.m. onwards throughout the day, although under very heavy fire, he continued to send in most valuable information. His post was struck by four direct hits, but he only left it to put his orderlies under cover. He showed great nerve and determination.

Captain Kavanagh is a Solicitor's apprentice, and is bound to his father, Mr. P. J. Kavanagh, of 9 South Mall, Cork.

New Solicitors.

THE following were admitted during August, September and October, 1915:—

Name	Served Apprenticeship to
Boudren, Denis	Maurice Healy, Cork.
Hanratty, John Joseph	Simon E. Hanratty, Newry.
O'Grady, Daniel	Daniel O'C. Miley, Dublin.

Taxing Office Procedure.

THE Taxing Masters have, at the request of the Council, amended the form of affidavit of credits in Solicitor and client taxations. Same may now be sworn at any time after the Bill of Costs is furnished, instead of waiting till the taxation is completed.

The Solicitor for the Costs will, accordingly, be enabled to have the credits ascertained at the time of taxation on due proof being given to the Taxing Master that a copy of the affidavit has been duly served, and that a full opportunity of checking same has been given to the other side.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION.

(Before Barton, J.)

Alexander v. Curragh and Others.

July 6, 1915.—*Practice—Costs—Taxation—Interlocutory Order directing payment of Costs—Interest as from date of Order—Rules of Supreme Court, Ireland, 1905. Order XLII., Rule 15.*

AN interlocutory order directing the payment of costs by one person to another carries

interest on the costs thereby awarded, as from the date of such order.

Taylor v. Roe (1894), 1 Ch. 413, followed and applied.

Summons by the plaintiff for payment out of the funds in Court of the amount found due to him and costs.

The funds in Court represented the proceeds of the sale of the property of the defendants which had been sold in the action, which was brought to enforce payment of the defendants' contribution to renewal fines paid by the plaintiff for the benefit of the common property of the plaintiff and the defendants.

By an attachment order dated the 28th February, 1911, the defendant, William J. Curragh, was directed to pay to the plaintiff his costs of the motion and order. The costs amounted to £17 13s. 11d., and the plaintiff now claimed interest on the said amount from the date of the order.

By a further attachment order dated the 5th February, 1912, the defendant, William J. Curragh, was directed to pay to the plaintiff his costs of the motion and order. These costs amounted to £17 3s. 7d., and the plaintiff now claimed interest on the said amount from the date of the order.

The payment schedule comprised interest computed on the above two sums as from the dates of the orders, to be paid by the defendant, William J. Curragh, out of his share of the residue of the funds. To this the defendant objected, upon the ground that interest was only chargeable from the date of the certificate of taxation of the costs.

Barton, J.—*Lidwell v. Lidwell* no longer regulates the practice in Ireland, which now depends upon Order XLII., Rules 13 and 15. The corresponding English Order XLII., Rules 14 and 16, was considered in *Taylor v. Roe*, where it was held by Stirling, J., that an interlocutory order directing the payment of costs by one person to another carries interest from the date of the order. There is no distinction between that case and the present one, and there is no reason why the practice should not be the same in the two countries, nor why the decision of Stirling, J., should not be followed and applied here. In my opinion the plaintiff is entitled to interest upon these two sums of costs from the dates of the two orders respectively.

Reported (1915) 1 I.R., 273.

The Irish Land Commission.

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

Place of Sitting	Date of Sitting	Districts Listed
	1915.	
Castlebar ...	Nov. 9th	Co. Mayo
Roscommon ...	" 11th	Co. Roscommon
Clonmel ...	" 16th	Co. Tipperary (part of) and Co. Waterford (part of)
Waterford ...	" 17th	Co. Waterford (part of) and Co. Kilkenny (part of)
Wexford ...	" 19th	Co. Wexford

Results of Examinations.

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

1. Cecil P. Moore.
2. Vincent P. McMullin.
3. Eric C. Doogan.

The remaining candidates are postponed. Five candidates attended: three passed; two were postponed.

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

- CLASS I.
1. Patrick J. Rutledge.
 2. John M. Cronin.
 3. James J. Matthews.

CLASS II.

Albert Woodcock.

The remaining candidates are postponed. Six candidates attended: four passed; two were postponed.

Dates of Examinations.

THE following are the dates of the January, 1916, Examinations:—

January 3rd, 4th and 5th.—Final Examination (notice to be lodged in Secretary's Office before 17th December).

January 6th and 7th.—Preliminary Examination (notice to be lodged in Secretary's Office before 17th December).

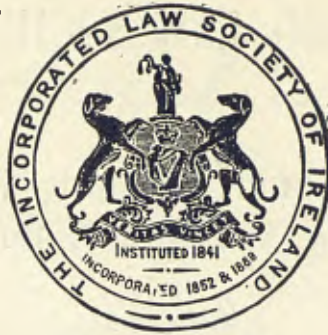
ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

Mr. A. R. O'CONOR,

Having been granted a Commission in the Army Service Corps, has made arrangements to transfer the business of Solicitor and Land Agent carried on by him under the style of A. O'CONOR & SON, at No. 11 Hume Street, Dublin, to

Messrs. S. & R. C. WALKER & SON, of 86 Merrion Square, Dublin, until the termination of the War.

All communications intended for Messrs. O'Conor should therefore until further notice be addressed to Messrs. Walker, at 86 Merrion Square.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 6.]

December, 1915.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING
26TH NOVEMBER, 1916.

President :

CHARLES ST. G. ORPEN.

Vice-Presidents :

JOHN H. WALSH.

ARTHUR H. S. ORPEN.

Ordinary Members :

PATRICK J. BRADY, M.P.	CHARLES ST. G. ORPEN.	CHARLES G. GAMBLE.
GEORGE COLLINS.	JAMES HENRY.	R. BLAIR WHITE.
WILLIAM S. HAYES.	THOMAS G. QUIRKE.	JOHN H. WALSH.
RICHARD A. MACNAMARA.	WILLIAM V. SEDDALL.	MICHAEL L. HEARN.
SIR AUGUSTINE F. BAKER.	ARTHUR H. S. ORPEN.	LOUIS C. P. SMITH.
WILLIAM J. SHANNON.	JAMES MURPHY.	BASIL THOMPSON.
IGNATIUS J. RICE.	JOSEPH E. MACDERMOTT.	GEORGE M. MEARES.
ARTHUR E. BRADLEY.	JAMES MOORE.	WILLIAM T. SHERIDAN.
HENRY J. SYNNOTT.	ROBERT G. WARREN.	PATRICK J. MEEHAN, M.P.
HENRY SHANNON.	W. HOUGHTON FRY.	JOHN H. CALLAN.
JOHN W. RICHARDS.		

Provincial Delegates :

Ulster—THOMAS M. GREER.

Leinster—MICHAEL BUGGY.

Munster—HENRY BLACKALL.

Connaught—S. ST. LAWRANCE BURKE.

Extra-Ordinary Members :

Northern Law Society.

Southern Law Association.

GEORGE H. QUARRY.

W. GUEST LANE.

JOSEPH ALLEN.

WILLIAM H. CORKER.

CHARLES W. BLACK.

BARRY C. GALVIN.

JOHN D. COATES.

WALTER B. RONAN.

JAMES L. McDONNELL.

HENRY A. WYNNE.

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 Friday, November 26th. The chair was occupied by Mr. Arthur E. Bradley, President of the Society.

The following members were present:—James Moore (*Vice-President*), James Murphy (*Vice-President*), Sir A. F. Baker, Patrick J. Brady, M.P., H. J. Synnott, George Collins, Wm. S. Hayes, James Henry, J. E. MacDermot R. A. Macnamara, A. H. S. Orpen, Chas. St. G. Orpen, T. G. Quirke, I. J. Rice, C. G. Gamble, W. V. Seddall, W. T. Sheridan, W. H. Fry, Basil Thompson, J. H. Walsh, R. G. Warren, R. B. White, J. H. Callan, Sir William Fry, C. A. Stanuell, T. C. Franks, A. H. Orpen, P. K. White, James Brady, P. J. Rooney, H. D. Draper, John Read, John O'Sullivan, W. J. Brett, W. J. Ryan, J. R. Stritch, N. L. Moran, M. A. Sniyth, B. R. W. Doran, J. P. Ringwood, W. S. S. Boxwell, R. A. Howe, H. Malley, E. McNeill, A. Lane Joynt, R. W. MacNeice, S. Kerr, G. P. Cussen, T. M. Gerrard, E. Condell, J. W. Davis, F. S. D. Colquhoun, E. N. Edwards, B. M. O'Grady, G. A. G. Byrne, B. G. Barton, G. H. Parkes, R. A. O'Brien, J. P. Dillon, A. D. Orr, R. C. Joy, L. F. Kenny, C. B. W. White, J. J. Beatty, J. G. Lidwell, C. Corcoran, M. Corrigan.

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 was signed by the President, who also signed the audited accounts of the Society for the year ending 30th April, 1915.

The Secretary then read the report of the Scrutineers of the ballot for election of Council for year ending 26th November, 1916, which stated that the following had been returned

unopposed as Provincial Delegates:—Henry Blackall, for Munster; Thomas M. Greer, for Ulster; M. M. Buggy, for Leinster; and S. St. L. Burke, for Connaught; and that the following, having received the number of votes placed after their names, had been elected as the thirty-one ordinary members of the Council:—Patrick J. Brady, M.P., 283; George Collins, 262; W. S. Hayes, 250; Richard A. Macnamara, 240; Sir A. F. Baker, 240; William J. Shannon, 238; Ignatius J. Rice, 232; Arthur E. Bradley, 231; Henry J. Synnott, 229; Henry Shannon, 226; John W. Richards, 221; Charles St. G. Orpen, 216; James Henry, 215; Thomas G. Quirke, 214; William V. Seddall, 209; A. H. S. Orpen, 200; James Murphy, 196; Josh. E. MacDermott, 194; James Moore, 193; Robert G. Warren, 191; William H. Fry, 183; Charles G. Gamble, 175; R. Blair White, 174; John H. Walsh, 172; Michael L. Hearn, 171; L. C. P. Smith, 160; Basil Thompson, 155; George M. Meares, 142; William T. Sheridan, 142; Patrick J. Meehan, M.P., 141; and John H. Callan, 138; and the following to form a supplemental list to fill vacancies:—Patrick Rooney, 138; John F. Dunwoody, 114; and John G. Oulton, 78.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said:—“Before addressing to you the few remarks that I intend to make upon the Report, the adoption of which I have the honour to move, I would like briefly to refer to that subject which is uppermost in the minds of us all. I refer, of course, to the War, and to the part our own profession is taking in it.”

The War.

One of the results of this great national crisis is the postponement of all domestic legislation and legislation of the class that directly affects the Solicitors' profession.

Since the commencement of the War, as you will see by the Report, Irish Solicitors and Apprentices to Irish Solicitors of military age, have responded well to the call to join His Majesty's Forces. There are now 70 practising Solicitors and 59 Apprentices serving with the colours. I regret to say that of these, six Irish Solicitors, and three Apprentices, have laid down their lives for their country. The names of the Solicitors are:—Private Wm. P. Bridge, Captain John V. Dunn, Lieutenant Brendan J. Fottrell, Captain Robert C. Orr, Corporal J. G. Persse, Captain and Adjutant William R. Richards, son of our colleague on this Council, Mr. John W. Richards. The names of the Apprentices are:—Captain Michael J. Fitzgibbon, Lieutenant J. Hartley Schute, and Lieutenant Samuel Lee Tolerton. We also regret to record the death of one other Irish Solicitor, who died while with his regiment in England—I refer to Private Ellard Brady, son of Mr. James Brady, who is so well known to us all. And since our Report went to the printers, Mr. Brady has lost another son, Mr. Mathew Brady, who came home with the first Canadian contingent, and whose constitution was undermined by service in Flanders, and he was unable to shake off a chill contracted at his brother's funeral. We are proud of these brave men who have laid down their lives for their Country, and at the same time our heartfelt sympathy goes out to those who mourn their loss, and I sincerely trust that when the time comes a suitable memorial will be erected within the precincts of this building to their memory.

Mr. Byrne.

I am sure you have all noticed that when the Ballot papers for the election were sent out the name of our old colleague, Mr. Gerald Byrne was not upon them. I regret to state that Mr. Byrne has not been lately in good health, and he feels that he would be unable, for some time at least, to undertake the duties that would devolve upon him if he remained a member of the Council. Mr. Byrne has been a member of the Council of the Incorporated Law Society for a period of—I think—thirteen years, and occupied the position of President of the Society for the year 1911-12. We regret the cause that has compelled him not to seek re-election, and we on the Council will miss his advice and support, always so

freely given. I am sure I am not only voicing the feelings of the Council of the Law Society, but also every member of the Solicitors' profession, when I express the hope that he will be very soon restored to his former health.

The Report.

Turning to the Report itself, as I have already mentioned, in consequence of the fact that the War continues to dominate the affairs of the nation, the postponement of all legislation that might affect our profession is rendered necessary by it. The Report is, consequently, not of such a voluminous nature as is usually submitted to this Meeting, but, notwithstanding the crisis through which we are passing, many matters of importance have been considered and dealt with by the Council, and I can confidently assure you that when such matters arise your Council has given them their very fullest and most careful consideration. At the General Meeting of the Society last November, a resolution was passed referring to the Council the question as to whether it was desirable to extend to Ireland.

The Criminal Evidence Act, 1898, and Criminal Appeal Act, 1907.

At the General Meeting held in May last, the Report of the Council on this subject was considered, and a resolution was adopted expressing the opinion that the extension to Ireland of the Criminal Appeal Act, 1907, was desirable. That portion, however, of the Report dealing with the

Criminal Evidence Act, 1898,

was adjourned until the present Meeting, and the subject now appears upon our Agenda. The Report upon the subject of

Legal Appointments.

which was prepared by our Council, and circulated amongst the members of the Society this time last year, was subsequently sent by our Council to the Lord Lieutenant and to the Lord Chancellor and to the other Judges who have the patronage of offices open alike to Barristers, Solicitors, and other persons, and their attention was invited to the inequitable treatment of the Solicitors' profession in respect of appointments to these offices in the past. The question of the

Arbitrary Measuring of Costs.

is one which is constantly before your Council. Your Council was in hopes that the resolution that was passed at the Special General Meeting of the Society held in the month of February last, and which was forwarded to all the Judges of the High Court as well as County Court, would have been more universally adopted. Your Council do not suggest for one moment that the discretion of awarding costs should be taken away from the Judges, but when the Judges do exercise that discretion the costs should not be arbitrarily fixed against the desire of the party to whom the costs are payable and in the absence of any special circumstances. In many cases costs are fixed at, say, £4 4s., and after payment of Counsel, Court Fees, and outlay, a few shillings only remain for the Solicitor to cover the work done by him, such sum being, not only unreasonable, but most unfair to the profession. Rule 25, Order 65, provides that on the application of the party to whom the costs are directed to be paid, or if under special circumstances of the case the Judge shall think just, the Court may direct payment of a sum in gross in lieu of costs to be taxed. That rule specifically states that the costs are only to be fixed upon the application of the party to whom such costs are directed to be paid, or, if under special circumstances, the Judge shall so think just. Your Council, therefore, submit that in no case ought costs to be fixed except by the consent of both parties, or, in the absence of such consent, upon the application of the person to whom such costs are to be paid, or under the special circumstances of the case, and I submit that the duty lies upon the party who is directed to pay such costs to show that there are such special circumstances in existence as would justify them in asking the Court to fix a gross sum. Before passing, however, from this subject, I would like to draw special attention to the fact that unless the Solicitors themselves will assist in putting into practice the resolution of the Bar Council, a copy of which is set out in the Report, there is little use in their making complaints to the Council. Therefore, I would ask the Solicitors to back up the Council in doing away with this most objectionable practice.

The Lord Chancellor has invariably made it a practice before making alterations in Rules,

or revising any question of practice, in which the profession is affected, to consult and invite the opinion of the Council relative to such alterations, and I would like to take this opportunity of thanking his Lordship for the courtesy extended to the Council of the Society by him in this respect. This practice, however, is not followed by the County Court Judges, because in the month of July last, without any previous intimation either to the President or the Council, a scale of County Court Costs in respect of

The Courts (Emergency Powers) Act, 1914, was drawn up and published in the press. Your Council were of opinion that many items of these costs were inadequate, and, consequently, they communicated with the Secretary of the County Court Judges Committee on the subject, and a reply was received stating the Judges had fully considered the matter and could not see their way to alter the scale. I may mention, however, that this scale is not binding upon any individual Judge, and I am glad to say that many of the County Court Judges throughout Ireland have not adopted it. Your Council prepared a scale which appears in the appendix to the Report. Some of the County Court Judges have adopted that scale, while others have adhered to the scale previously allowed by them which had been settled after consultation with the Sessions Bar of their County, and which in amount almost corresponded with the scale suggested by the Council. Early in the year your Council had the honour of presenting an address to Lord Wimborne on his appointment to be His Majesty's Representative in Ireland, and a copy of that address and His Excellency's reply will be found in the appendix to the Report.

There being no other matter of special importance that I think I need refer to, I formally have the honour to propose the adoption of the Report.

Mr. JAMES MOORE (*Vice-President*) in seconding the motion for the adoption of the Report, said that personally he felt pride in the profession—pride for the way members responded to the call of the Country—both Solicitors and Apprentices. They should all feel that pride, tempered with sorrow, because they had lost some of their very best, some of

them young and some of them personal friends, but he took it that in this business it was the best that always went first.

SIR WILLIAM FRY, speaking in support of the adoption of the Report said it was a record of honest work done by their representatives on the Council who were entitled to every credit for having transacted so much business on behalf of the profession in a year, during which it had been very difficult to transact any business, owing to the way in which their minds were affected by the War which overshadowed the Empire. It was a Report with which the rank and file of the profession should associate themselves to the full—especially in the expressions of sympathy and regret which had fallen from the chair for those members who had lost their lives in the struggle. They had set a noble example to others. It was a grand thing to say that the profession had not been found wanting in responding to the call of their King and Country. When the call to the colours was made the Irish Solicitors were not found wanting, for no less than 70 of their members and 59 apprentices had joined the Army, and all honour to them for the step which they had taken. The stay-at-homes, including those who were too old to go, could only raise their hats to those brave men, and extend their sympathy to those who had lost their immediate relations, especially to their good friend Mr. Brady.

Mr. JAMES BRADY said that he desired to thank the meeting and the members of the Council for the kindly sympathy which they had extended to him with regard to the death of both of his sons. He had one satisfaction with regard to those deaths; and that was, that they died in the furtherance of a cause which he had and which every true Irishman should have deeply at heart. That was a satisfaction to him notwithstanding all the trouble that those deaths had brought upon him; and he only hoped and trusted that the sons of many more of his fellow-Irishmen would assist the Empire in bringing to a successful conclusion the present War.

With reference to the Criminal Evidence Act question, which he was instrumental in first bringing before the Council, that stood adjourned from the May meeting until the present one for consideration. He had not changed a single view which he

expressed at the last meeting on the subject, and he was still strongly of the opinion, and impressed with his experience in practice, that that Act should be extended to Ireland. No words of his could possibly bring before the meeting the beneficial effect of that Act if brought into operation in this Country. Their northern brethren and their southern brethren had expressed their views in favour of his contention; but the Council in its wisdom—he expected a majority—held a contra view. From inquiries he had made among the profession the view was held that this was a most beneficial measure, and ought to be in operation in this Country; and he suggested to the meeting the propriety of having the Act adopted and brought into operation in Ireland. He regretted extremely the absence from the Council that day of his true and esteemed friend, Mr. Gerald Byrne, who was a man of vast experience in criminal work. Mr. Byrne, however, held a different view from his with regard to this measure; and, having regard to Mr. Byrne's experience, he would be much inclined to fall into line with his views, if he had not convinced himself from practical experience of the benefits of the measure. Mr. Byrne's experience, however, had been somewhat different from his, for he had found that on every occasion under any of the Statutes which enabled defendants or persons accused to give evidence in their own defence, in 99 out of every 100 of these cases there had been acquittals. He found the same thing occurring in the Coroner's Courts where men accused of committing a crime went before a jury and gave their story, he found that those juries brought in a verdict acquitting the defendants of the offence alleged against them. The Act did not make the accused a compellable witness; and there could be no comment from the prosecutor or anybody else if the man accused did not go into the box; on the very contrary there was a prohibition against commenting upon his not going into the box. He knew that the views existing amongst the lay public were altogether in favour of allowing an accused person to give evidence in his own defence; and from that point of view he would suggest that the resolution which he proposed at the last meeting should be adopted there that day. As regards the question of fixing costs, he hoped his colleagues would take to heart the views of the President of the Society in this

matter, the Solicitors themselves were almost entirely, if not absolutely at fault, and he trusted that in future they would act more in accordance with Trades Union principles, and get an honest day's pay for an honest day's work. He always felt keenly upon this topic, and he raised his voice in solemn protest against what he called an absolute and downright fraud upon their profession.

Mr. CHARLES G. GAMBLE said Mr. John Colfer, Solicitor, of New Ross, had intended to travel to the meeting to express his views in favour of the application to Ireland of the Criminal Evidence Act, the subject with which Mr. Brady had dealt, and as Mr. Colfer was absent he read to the meeting a letter he had received from Mr. Colfer advocating his views in support of the application of the Act to Ireland.

THE PRESIDENT: Of course the question of the adoption of the Report on the Criminal Evidence Act will come on again to-day, and we will be glad to hear the views of the members. The adoption of the Annual Report of the Council does not bind anyone with regard to that matter. There is another matter which I wish to mention; that since the Annual Report went out the number of Solicitors actively engaged in the War has risen from 70 to 80, and there are 59 Apprentices also serving with His Majesty's forces.

The motion for the adoption of the Report was then put to the meeting and was carried unanimously.

Mr. THOMAS M. GERRARD said the War appealed very strongly to him because he had lost some of his relatives in the struggle; and he hoped the meeting would pass a vote of condolence with those members of the profession who had been bereaved by the conflict. He was sure that the Council passed a vote of condolence in each instance following the immediate occurrence, but he proposed that that meeting would also adopt a vote of condolence with the members of the profession who had had relations killed in the War.

Mr. JAMES HENRY seconded the resolution, and stated that the Council had passed similar resolutions, but that it was suitable for such a resolution to be passed by the General Meeting. The resolution was passed in silence, the members rising to their feet.

Mr. JOHN READ said that since the Report was issued one of his sons had joined the colours.

THE PRESIDENT: I congratulate you in so contributing to the forces of the Empire.

Mr. JAMES BRADY: Do I understand that my motion stands over for consideration from the May meeting?

THE PRESIDENT: Yes.

Mr. JAMES BRADY said he now wished to move his motion notwithstanding the action of the Council as a body he could not help not giving way on this matter. North and south were combined with him on this occasion, and he was glad at any time and every time to have the north and south combined, and if for no other reason but because that combination was achieved by him upon this occasion he would ask the meeting to kindly do him the favour of adopting his resolution.

Mr. LANE JOYNT seconded, and said that the very best witness was usually the person in the dock. Very often cases were made out where an evil disposed person selected a time to make a charge when no one was present, but the complainant and the defendant. The complainant went into the witness box, and he was practically unanswered.

Mr. CHARLES ST. G. ORPEN said so far as he was concerned he had come there not having sufficiently considered the matter, owing to the special circumstances attending the meeting, and he was sure many others were in the same position. Therefore he thought they were not in a position to honestly vote for the application of this measure to Ireland, and consequently he would suggest to Mr. Brady that the consideration of the motion should be adjourned until some future occasion, or refer it back to the Council.

Mr. JAMES BRADY said he would accede to that course with pleasure. He thought it was best, because of their troubles the matter had passed out of their minds. He would agree to let the matter go back to the Council with the members of which he did not wish to be at variance, and whom he assisted by his vote in putting into that position.

Mr. RICHARD A. MACNAMARA said that at the present time there would be no use in referring the matter back to the Council, it

would be better to adjourn it until after the War, as there would be no legislation of the kind in the meantime. There was a division on the Council in reference to the matter, and let it be adjourned until such time as there would be a probability of legislation.

Mr. JAMES BRADY: I agree with the suggestion.

The matter was allowed to stand over for future consideration.

Mr. A. LANE JOYNT in accordance with notice, moved that :—

“The Incorporated Law Society of Ireland desire to record their deep appreciation of the patriotic action of those members of the Solicitors’ profession and of those Apprentices and assistants to Solicitors who have joined His Majesty’s forces up to this date. And the Society are of opinion that it is now the duty of all Solicitors and their Apprentices to further Lord Derby’s Scheme of recruiting by all means in their power; and that the members of the profession, who, by reason of age or unfitness are unable to serve their country, should loyally unite in preserving for those members who have joined the services or joined the Army under the Scheme, their business and appointments during such service, so that on their return they will not be prejudiced by having in the hour of their country’s need done their duty.”

He said that after the tribute which the President and the Vice-President had paid to the men who had loyally gone out to fight their battles in Gallipoli and elsewhere, it did not require any words of his to bring home to their minds the noble way in which they had done their duty. He was rather loath to join the first part of the motion with the latter part, but it suggested itself to him that if he did not he would be in some way not recognizing the noble way in which members of the profession went out—some of them personal friends of his own, but all of them honoured and true friends—and lost their lives. Consequently, he included this appreciation in the resolution. He had also joined in the resolution a slight tribute to the assistants and law clerks who had joined the colours, as well as to the Solicitors who were serving their King and Country, and who had left their homes, and, in many cases,

valuable practices. The Apprentices, perhaps, were really the best of the lot, but the law clerk who had gone was just as deserving of their tribute as any man great or small. The second part of the resolution dealt with the duty of the Solicitors’ profession to the country and the Empire, and he thought that might be divided into the duty of the Solicitors above military age, and those who were not. It was the duty of every man of military age at present to see that every man who was suitable and fit should go and fight this country’s battles for this war is one in which Ireland was as much engaged as any other country in Europe. People who wanted to hear a recruiting speech had only to read the words of Mr. John Redmond which should be sent broadcast throughout the United Kingdom. This is what Mr. Redmond said :—

“I would say to the Irish people, that Ireland for ever would be disgraced in the history of the world if, having sent those men to the front, they did not raise the necessary reserves to fill every gap that may rise in their ranks, so that in the future they may be able to say: ‘When religion, liberty and civilisation were at stake I did my duty, and will be able to hand down to my son the proud recollection of his father’s courage and determination.’”

Mr. Redmond had struck the true note, and his language applied to the Solicitors’ profession as well as to every trade in the country, and it was their duty to see that every able-bodied person served his King and Country in this crisis. There was practically little difference between Lord Wimborne’s Scheme and that of Lord Derby, save that Lord Derby’s stipulated that the unmarried men should go first. That was better undoubtedly for the nation, and he did not think it would be long before Lord Derby’s Scheme in that respect was adopted in Ireland. As to the third part of the resolution, he wished to make a slight amendment, so that the motion would read—

“who by reason of age or unfitness are unable to serve their country should continue to loyally preserve for those members who have joined the service or joined the Army under the Scheme, their business and appointments during such service.” He thought such

a resolution was not necessary in this war, but some people might think they should not go because some other people might step into their shoes. In conclusion he would say: "Don't pass this resolution, unless you are prepared to act up to it, for this is not like the passing of a resolution as you would pass a vote of thanks to people who come to visit you."

THE PRESIDENT pointed out that Lord Derby's Scheme was not in force in Ireland; and he asked Mr. Lane Joynt would he insert in the resolution "Lord Wimborne's Scheme" instead of that of Lord Derby?

MR. LANE JOYNT said it was like all the good things—England kept all these good things to itself. He pointed out that Lord Derby's Scheme made a distinction between married and unmarried men while that of Lord Wimborne did not. He was quite satisfied to insert the words "Lord Wimborne's Scheme," but he did not think that any married Solicitor should be asked to join under Lord Wimborne's Scheme unless some undertaking was given such as was contained in Lord Derby's Scheme—namely, to have unmarried men go first.

THE PRESIDENT; We are asked to pass a resolution that applies to a scheme that does not exist in Ireland. It is a technical point, but it goes to the root of the whole thing. How can we adopt a resolution that applies to something that is not in existence here?

MR. LANE JOYNT: It is in existence here. It is open to any man to answer Lord Wimborne's letter and to offer his services under Lord Derby's Scheme.

MR. CHARLES G. GAMBLE: Leave out the words "Lord Derby's Scheme of" and let the resolution read "to further recruiting by all means in their power."

MR. LANE JOYNT: Yes, I will agree to that.

MR. CHARLES ST. G. ORPEN: I have great pleasure in seconding the resolution as amended.

The Resolution in its amended form was then passed unanimously as follows:—

"The Incorporated Law Society of Ireland
"desire to record their deep appreciation of

"the patriotic action of those members of the
"Solicitors' profession and of those Apprentices
"and Assistants to Solicitors who have joined
"His Majesty's forces up to this date. And
"the Society are of opinion that it is now the
"duty of all Solicitors and their apprentices
"to further recruiting by all means in their
"power, and that the members of the pro-
"fession, who by reason of age or unfitness
"are unable to serve their country, should
"continue to loyally preserve for those mem-
"bers who have joined the service, their
"business and appointments during such
"service, so that on their return they will
"not be prejudiced by having in the hour
"of their country's need done their duty."

MR. MOORE having been moved to the second chair.

MR. CHARLES A. STANUELL moved "That
"the best thanks of this meeting be expressed
"to the President for his conduct in the chair
"to-day, and for the manner in which he has
"discharged the duties of his office during the
"year." As a past President and a past
"member of the Council, he stated he was glad
"to see that the old reputation of the Presidency
"was kept up and the business of the Society
"was done so well. That was greatly due to
"the President for the time being.

MR. THOMAS C. FRANKS in seconding the
"motion said he was an old past President,
"somewhere about 1891 he thought it was, and
"he felt that the honour of the Society was in
"good hands.

The Resolution was passed with acclamation.

THE PRESIDENT returned thanks for the
"resolution.

The proceedings then terminated.

Meetings of the Council.

November 3rd.

Clerk of Crown and Peace, Co. Down.

The fact that the office of Clerk of the
"Crown and Peace for County Down had been
"vacant since 5th October was considered,
"and it was resolved that the Under Secretary
"for Ireland be requested to receive the Presi-
"dent, in order that he might submit reasons
"for the immediate filling of the vacant office.

Resolution of Sympathy.

A resolution was passed expressing the sympathy of the Council with Mr. James Brady in his bereavement, owing to the death of his son Private Edward Ellard Brady, Solicitor, of the Cadet Corps, 7th Battalion, Leinster Regiment.

Investment of Funds in Court.

In reply to a communication from the Lord Chancellor, the Council expressed approval of an amendment being made in Order LXII, Rule 66, whereby New War Loan would be substituted for two and a half consolidated stock as the security in which the Accountant General is to invest sums of cash, not less than £50, lodged in Court in the Chancery Division.

Court of Examiners.

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

Annual Report.

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

November 17th.

Resolution of Sympathy.

A resolution was passed expressing the sympathy of the Council with Mr. James Brady in his bereavement, owing to the death of his son Private Matthew Brady, of the 90th Winnipeg Rifles.

Mr. Gerald Byrne.

A letter was directed to be written to Mr. Gerald Byrne, expressing the regret of his colleagues on his retirement from the Council, their appreciation of his valuable services to the Society, and their hope that he will soon be completely restored to health.

Clerk of the Crown and Peace, Co. Down.

The President informed the Council that on the 10th inst., he had an interview with the Under-Secretary for Ireland, and had submitted reasons why there should be no further delay in making an appointment to the vacant office of Clerk of the Crown and

Peace for County Down. The Under-Secretary had listened attentively to what he had stated, and requested him to send in a written memorandum on the subject, and had given him reason to understand that an appointment would be made to the office without further delay.

Death Duties (Killed in War) Act, 1914.

A letter was read from the Assistant Registrar (Probate) in reference to *ad valorem* probate fees payable on grants under the above-mentioned Act. The letter appears in this GAZETTE.

Law Clerks.

A report from the Court of Examiners upon an application of a Law Clerk for leave to be bound under Section 16 was submitted, and the application was granted. Two memorials (under Section 18) of Law Clerks, the one asking for exemption from or modification of the Preliminary Examination, and the other for a modified Preliminary Examination, were considered, and it was resolved to assent in both cases, to a modified examination.

Council Meetings.

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

January 12th and 26th.

February 9th and 23rd.

Committee Meetings.

The following Committee Meetings were held during November:—

Court of Examiners, 1st, 12th, and 29th.

Gazette, 4th.

Costs, 11th.

New Members.

The following joined the Society during November, 1915:—

Keery, William J.J., 119 St. Stephen's Green, Dublin.

Morris, Henry G., 16 Molesworth Street, Dublin.

Obituary.

MR. WILLIAM FETHERSTONHAUGH, Solicitor, died upon the 6th November, 1915, at his residence, Carrick House, Mullingar.

Mr. Fetherstonhaugh served his apprenticeship with the late Mr. George Fleetwood, 122 St. Stephen's Green, Dublin, was admitted in Hilary Term, 1863, and practised at Mullingar up to the year 1890, when he retired.

MR. HUGH L. TARPEY, Solicitor, died upon the 8th November, 1915, at Blackrock, County Dublin.

Mr. Tarpey served his apprenticeship with the late Mr. James Goff, 1 Lower Ormond Quay, Dublin, was admitted in Trinity Sittings, 1891, and practised that year at Manus House, County Clare, and then retired.

MR. JAMES BLACK, Solicitor, died upon the 10th November, 1915, at his residence, Glen Ebor, Strandtown, Belfast.

Mr. Black served his apprenticeship with his father, the late Sir Samuel Black, Belfast, and with Mr. Jeffrey Browning, 9 Suffolk Street, Dublin, was admitted in Michaelmas Sittings, 1881, and practised, in partnership with his brother, Mr. Charles W. Black (under the style of Messrs. C. W. & J. Black) at 13 Donegall Square, Belfast.

MR. PATRICK J. COLLINS, Solicitor, died upon the 21st November, 1915.

Mr. Collins served his apprenticeship with the late Mr. Thomas Downes, Skibbereen, was admitted in Michaelmas Sittings, 1896, and practised at Skibbereen.

Roll of Honour.

PRIVATE EDWARD ELLARD BRADY, Solicitor, of the Cadet Company of the 7th Battalion, The Leinster Regiment, died upon the 1st November, 1915, at the Connaught Hospital, Aldershot.

Private Brady served his apprenticeship with his father, Mr. James Brady, 3 Palace Street, Dublin, was admitted in Hilary Sittings, 1907, and practised at 3 Palace Street, Dublin.

PRIVATE JAMES J. DAVIDSON, Solicitor's Apprentice, of "D" Company, 7th Battalion Royal Dublin Fusiliers, was killed in action at the Dardanelles, on the 15th August, 1915.

Private Davidson was apprenticed on the 27th October, 1913, to his father, Mr. Hutchinson Davidson, Ballinasloe.

Legal Appointments.

MR. HENRY T. GALLAGHER, Strabane, Crown Solicitor for County Donegal, has been appointed to the combined office of Crown and Sessional Crown Solicitor for County Donegal.

MR. DANIEL McCARTAN, Solicitor, Downpatrick, has been appointed to the office of Clerk of the Crown and Peace for County Down, in room of the late Mr. George MacLaine.

Death Duties (Killed in War) Act, 1914.

By Section 1 of this Act it is provided as follows:—

(1) Section 14 of the Finance Act, 1900 (which relates to the remission of death duties in case of persons killed in war), shall have effect as respects the present war as if it applied to property passing to lineal ancestors as well as to property passing to the widow or lineal descendants, and as if the amount of the duty to be remitted or repaid under that section were, instead of the amount therein mentioned, the following amounts:—

- (a) Where the value for the purpose of estate duty of the property passing to the widow, lineal descendants, or lineal ancestors does not exceed five thousand pounds, the whole of the death duties leviable in respect of that property, and
- (b) Where the said value exceeds five thousand pounds:—

- (i) in respect of the first five thousand pounds, the whole of the death duties, and
- (ii) so much of the duties leviable in respect of the remainder as exceeds the sum which, if accumulated at compound interest at the rate of three per centum per annum from the date of death with half-yearly rests would, at the expiration of the period of the normal expectation of life of a person of the age of the deceased at the time of death (calculated in accordance with the Tables of Mortality of Government Life Annuitants, 1912), amount to the whole of the duties so leviable.

(2) The benefits of the relief given by this section as respects the first five thousand pounds shall be apportioned rateably among

the several persons who would otherwise bear the duties remitted or repaid according to the amounts which they would so bear and without regard to their respective rights of priority.

(3) Where the relief in respect of estate duty afforded to the widow, lineal descendants, or lineal ancestors by section 15 of the Finance Act, 1914, would be greater than that afforded to them in respect of estate duty by this section, the relief in respect of estate duty shall be that under the said section 15 and not that under this section, but in other cases the relief afforded by the said section 15 shall not apply to any estate duty to which this section applies.

The following letter dealing with Grants under the above Act, has been received from the Assistant Registrar of the Principal Registry:—

THE HIGH COURT OF JUSTICE (IRELAND).
KING'S BENCH DIVISION (PROBATE).

PRINCIPAL REGISTRY,
DUBLIN,

8th November, 1915.

DEAR SIR,

The Rt. Hon. Mr. Justice Madden, following a similar practice in England, has directed in cases of persons dying on active Naval or Military Service during the present war, that when Estate Duty has been remitted upon an estate or any portion of an estate, under the authority of the Finance Act, 1900, or of the Death Duties (Killed in War) Act, 1914, the *ad valorem* fee should be taken on the value under which the estate is sworn to be, after such remission. This direction will not apply to cases under 16th section of the Finance Act, 1894, in which the whole fee charged is 15/-

I am,
Sir,

Your obedient Servant,

(Signed) JACOB T. GEOGHEGAN.

The Secretary,
Incorporated Law Society.

Measuring of Costs.

The Council have had under consideration the question of applications on interlocutory motions to have the costs of the motion measured by the Court, and the Council have passed the following resolution on the subject: Resolved:—

“That in the opinion of the Council it is the duty of the Solicitor for an unsuccessful litigant in an interlocutory motion not to apply to the Court to measure the costs unless there are special circumstances, and if he do so apply, he should state specifically the special circumstances relied on.”

The Society's Telephones.

Members desiring to call the Society's premises on telephone can do so on Telephone No. 2607 (two lines) and No. 4573. The Secretary's Telephone No. is 4266.

High Court Sittings, 1916.

The following are the dates of the High Court Sittings during 1916:—

- Hilary, commence 11th January, terminate 13th April.
- Easter, commence 27th April, terminate 31st May.
- Trinity, commence 14th June, terminate 31st July.
- Michaelmas, commence 25th October, terminate 21st December.

Hilary Sittings Lectures, 1916.

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

- January 13th, 17th, 20th, 24th, 27th, 31st.
- February 3rd, 7th, 10th, 14th, 17th, 21st.

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

- January 11th, 14th, 18th, 21st, 25th, 28th.
- February 1st, 4th, 8th, 11th, 15th, 18th.

Findlater Scholarship.

The Findlater Scholarship for 1915 was awarded to Mr. James O'Connor, who served his apprenticeship with Mr. John Gore, of 6 Cavendish Row, Dublin.

Result of Final Examination.

At the Final Examination held upon the 12th, 13th and 14th October, the following passed the examination and their names are arranged in order of merit:—

1. Matthew A. Farrell.
2. Peter J. Ward, B.A.N.U.I.
3. William Caulfield.
4. Timothy O'Shea.
5. John Foley.
6. William J. McCourt.
7. Herbert W. Connell.
8. Hugh P. O'Donnell.
9. William Black.
10. Stephen de V. Fogarty.
11. Richard J. McDonnell, B.A.,
L.L.B., N.U.I.
12. Richard H. McCoy.

The Council have awarded a Silver Medal to Matthew A. Farrell, and Special Certificates to Peter J. Ward and William Caulfield.

Fifteen candidates attended; twelve passed, three were postponed.

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

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

A roll of the names of Irish Solicitors and Apprentices to Irish Solicitors serving in His Majesty's forces has been placed in the Entrance Hall of the Solicitors' Buildings, Four Courts.

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

Solicitors.

- Anderson, A. Newton, 2nd Lieut., 17th Batt., Royal Irish Rifles.
 Atkinson, Thomas J., Major, 9th Batt. Royal Irish Fusiliers.
 Babington, David L. J., Lieut., Army Service Corps (Motor Transport).
 Ball, George J., Captain (attached), Royal Engineers.
 Barron, Louis, Lieut., 7th Batt. Border Regiment.
 Beaumont, Arthur, Machine Gun Section, 4th Canadian Mounted Rifles.
 Boal, James S., 2nd Lieut., Royal Garrison Artillery.

- Brady, Edward E., Private Cadet Corps, 7th Batt. Leinster Regiment (*Died in training*).
 Bridge, Ernest P. G., Lieut., R.N.V.R.
 Bridge, William P., "D" Coy., 7th Batt. Royal Dublin Fusiliers (*Killed in action*).
 Brown, J. Barry, 2nd Lieut., 4th Batt. Connaught Rangers.
 Butler, James B., 2nd Lieut., Royal Field Artillery.
 Campbell, John P. V., Lieut., Army Service Corps.
 Cox, Pierce J., Motor Despatch Rider, Royal Engineers.
 Craig, Charles C., M.P., Captain, 11th Batt. Royal Irish Rifles.
 Creagh, Lancelot G., 2nd Lieut., 11th Batt. Lancashire Fusiliers.
 Crozier, Fras. R. M., Captain, 6th Batt. Royal Irish Fusiliers.
 Cunningham, Fredk. A., Major, late 3rd Batt. Cameronians (Scottish Rifles). Recruiting Officer, Belfast.
 Dunlea, Aloysius M., Captain, 6th Batt. Royal Irish Regiment.
 Dunn, John V., Captain, 7th Batt. Royal Munster Fusiliers (*Killed in action*).
 English, Robert D., Captain, 8th Batt. Royal Dublin Fusiliers.
 Exham, Cecil H., Captain, 4th Batt. Royal Munster Fusiliers.
 Falls, Charles F., Major, 11th Batt. Royal Inniskilling Fusiliers.
 Findlater, Herbert S., Lce.-Corp., "D" Coy., 7th Batt. Royal Dublin Fusiliers.
 Fottrell, Brendan J., Lieut., 3rd Batt., Royal Irish Regiment (*Killed in action*).
 French, Raymond, Lieut., G.R.C.
 Fry, Philip G., Lieut., 8th Batt. Royal Irish Fusiliers.
 Galt, William H. C., 2nd Lieut., Army Service Corps.
 Garvey, John, Lieut., Commander R.N.V.R.
 Gault, William, Sergeant, 18th Batt. Royal Irish Rifles.
 Gifford, Claude F., Lieut., 50th Batt. Canadian Oversea Expeditionary Force.
 Gillespie, Thomas V., 2nd Lieut., 6th Batt. Royal Inniskilling Fusiliers.
 Gilmore, Dinneen B., Lieut., 6th Batt. Royal Dublin Fusiliers.
 Girvin, W. Harold, 2nd Lieut., 10th Batt. Royal Irish Fusiliers.
 Glass, Robert W., Sergeant, Royal Irish Rifles.
 Goddard, Norris, Lieut., R.N.V.R.
 Gordon, Herbert C., Lieut., 11th Batt. Royal Inniskilling Fusiliers.
 Hanratty, Simon E., South Irish Horse.
 Howe, Ivan A., 2nd Lieut., Royal Garrison Artillery.
 Hughes, Hamilton, 10th Batt. Royal Dublin Fusiliers.
 Hunt, E. D., 2nd Lieut., Army Service Corps.
 Johns, Tyndall S., Captain, 12th Batt. Royal Irish Rifles.
 Kearney, Francis E., Captain, Recruiting Officer, Limerick.
 Knight, William W. M., 2nd Lieut., 11th Batt. Royal Inniskilling Fusiliers.
 Lahiff, Joseph V., Corporal, Royal Munster Fusiliers.
 Lane, William Aubrey, 2nd Lieut., Army Service Corps.
 Lecky, Hugh, 2nd Lieut., 7th Batt. Royal Dublin Fusiliers.
 MacCarthy, George E., The Irish Guards.
 MacCulloch, Robert R., Sergeant, No. 1 Battery, Motor Machine Gun Service.

- Machin, Alfred S., Lieut., 5th Batt. Royal Irish Fusiliers.
- McAreyve, J. A., Lieut., 4th Batt. Royal Inniskilling Fusiliers.
- McCallum, John D. M., Captain, 8th Batt. Royal Irish Rifles.
- McCarthy, Thomas P., 2nd Lieut., Army Service Corps.
- McCormick, H. C. Gordon, 2nd Lieut., Army Service Corps.
- MacKeown, Richard B., Lieut., East Yorkshire Regiment.
- McLean, Robert E., Major, 13th Batt. Royal Irish Rifles.
- Martelli, A. Esmond, Captain, 89th Punjabis.
- Miller, Julian T. E., Captain, 10th Batt. Royal Inniskilling Fusiliers.
- Monks, Thos. F. (Junr.), 2nd Lieut., Royal Field Artillery.
- Moynagh, Stephen H., 2nd Lieut., Recruiting Officer, Dundalk.
- Munn, Alfred E. A. M., Lieut., 11th Batt. Royal Inniskilling Fusiliers.
- Nolan, William S., 2nd Lieut., Army Service Corps.
- O'Brien, Daniel A. J., Army Service Corps.
- O'Connor, Aylward R., Lieut., Army Service Corps.
- O'Grady, Wm. M., 2nd Lieut., 14th Batt. Manchester Regiment.
- Orr, Robert C., Captain, 3rd Batt. Somersetshire Light Infantry. (*Killed in action*).
- Parke, James C., Captain, 6th Batt. Leinster Regiment.
- Peel, John A., Corporal, Motor Despatch Rider, 1st 7th Infantry Brigade, Ulster Division.
- Perse, John G., Corporal, 9th Wellington Regiment, New Zealand Expeditionary Force. (*Killed in action*).
- Purcell, Walter J., Lieut., Army Service Corps.
- Ramage, William, Motor Cyclist, Royal Engineers.
- Read, William, Private, Cadet Corps, 7th Batt. Leinster Regiment.
- Richards, William R., Captain and Adjutant, 6th Batt. Royal Dublin Fusiliers. (*Killed in action*).
- Roe, Patrick J., Lieut., 6th Batt. Leinster Regiment (Royal Canadian).
- Ronan, John, Lieut., Motor Machine Gun Service.
- Ryan, William G., 2nd Lieut., 6th Batt. Royal Irish Rifles.
- Sanderson, Wm. H., 3rd Batt. Royal Irish Regiment.
- Scott, Robert H., Captain, 6th Batt. Royal Inniskilling Fusiliers.
- Simmons, Rd., Lieut., Army Service Corps.
- Simms, Alfred G. F., Lieut., Army Cyclist Corps.
- Slattery, Edmund B., 2nd Lieut., 7th Batt. Royal Munster Fusiliers.
- Smiles, William A., Captain, 9th Batt. Royal Irish Rifles.
- Stanton, Robert, 2nd Lieut., 6th Batt. Royal Dublin Fusiliers.
- Taylor, Nathaniel, Army Service Corps.
- Toomey, Mark A., 2nd Lieut., Army Service Corps.
- Triscott, Cyril, 2nd Lieut., Sherwood Foresters.
- Wallace, Richard C., Private, Irish Guards.
- Wallace, Robert H., C.B., Colonel, Temporary Lieut.-Col., commanding 17th Batt. Royal Irish Rifles.
- Watson, Samuel H., 2nd Lieut., Royal Field Artillery.
- Watts, Robert, 2nd Lieut., Army Service Corps.
- Webb, Samuel C., 2nd Lieut., 6th Batt. Royal Munster Fusiliers.
- Williamson, Richard, 2nd Lieut., Army Service Corps.
- Wilson, Charles G. P., Captain, G.R.C.
- Wright, William M., Lieut., 13th Batt. Royal Irish Rifles.

Apprentices.

- Alderdice, Gerald L., Hon. Artillery Company.
- Alexander, Edmund J., 6th Batt. Black Watch.
- Baillie, Hugh M., 2nd Lieut., 16th Batt. Royal Irish Rifles.
- Barrett, Wm. S., 2nd Lieut., South Irish Horse.
- Brett, Jasper T., 2nd Lieut., "D" Coy., 7th Batt. Royal Dublin Fusiliers.
- Bridge, Allman V., 2nd Lieut., 6th Batt. Royal Irish Regiment.
- Browne, Percival H., 2nd Lieut., 30th Divisional Cyclist Corps.
- Browne, Robert F., 2nd Lieut., Army Service Corps.
- Bustard, Robert D. C., 2nd Lieut., 16th Batt. King's (Liverpool) Regiment.
- Byrne, Vincent C., 2nd Lieut., 3rd Batt. Royal Irish Rifles.
- Callaghan, A. Nickson, 2nd Lieut., 14th Batt. King's (Liverpool) Regiment.
- Conan, Alan J., Lieut., Army Service Corps.
- Crimin, Timothy C., 2nd Lieut., 11th Batt. Duke of Wellington's (West Riding) Regiment.
- Crookshank, Arthur C., Sergeant, "D" Coy., 7th Batt. Royal Dublin Fusiliers.
- Davidson, James J., "D" Coy., 7th Batt. Royal Dublin Fusiliers. (*Killed in action*).
- Denroche, Chas. T., Captain, 7th Batt. The Leinster Regiment.
- Disney, Thomas B. L., Lieut., Royal Engineers.
- Donnelly, Joseph A., 2nd Lieut., Royal Field Artillery.
- Dunbar, Thomas, 2nd Lieut., Army Service Corps.
- Falkiner, Frederick E. B., Corporal, "D" Coy., 7th Batt. Royal Dublin Fusiliers.
- Farrell, Cecil J., Captain, 5th Batt. Leinster Regiment.
- FitzGibbon, Michael J., Captain, 7th Batt. Royal Dublin Fusiliers. (*Killed in action*).
- Fitzgerald, James G. E., Lieut., 9th Batt. Royal Irish Fusiliers.
- Fitzgerald, William J., 2nd Lieut., 17th Batt. Durham Light Infantry.
- Furlong, Philip J., 2nd Lieut., 16th Batt. King's (Liverpool) Regiment.
- Fyffe, William H., 2nd Lieut., 11th Batt. Staffordshire Regiment.
- Garvey, Ivan H., Captain, 3rd Batt. Connaught Rangers.
- Gillespie, John (Junr.), 2nd Lieut., Royal Field Artillery.
- Gotto, Claude C., 2nd Lieut., Army Service Corps.
- Greer, James K. MacG., Lieut., Irish Guards.
- Hodnett, George P., 2nd Lieut., Army Service Corps.
- Jagoe, James F., 2nd Lieut., 16th Batt. King's (Liverpool) Regiment.
- Kavanagh, John J., Captain, 3rd Batt. Connaught Rangers. Military Cross.
- Kavanagh, Thomas O. J., 2nd Lieut., 3rd Batt. Royal Irish Fusiliers.
- Little, Joseph J., 2nd Lieut., 13th Batt. Sherwood Foresters.
- Lynch, Stephen H., 2nd Lieut., R.F.A.

Magnier, William J. (Junr.), 2nd Lieut., 2nd Batt. Royal Munster Fusiliers.
 Mahaffy, Henry I., Lce.-Corporal, 13th Batt. Royal Irish Rifles.
 McCarthy, W. T., "D" Coy., 7th Batt. Royal Dublin Fusiliers.
 McFerran, William R., Corporal, "D" Coy., 7th Batt. Royal Dublin Fusiliers.
 McGonigal, Robert W., 2nd Lieut., Royal Garrison Artillery.
 McIlidowie, John D., 2nd Lieut., 11th Batt. Royal Inniskilling Fusiliers.
 McKee, Herbert, M., 2nd Lieut., 9th Batt. Royal Irish Rifles.
 Meldon, Louis A., 2nd Lieut., Army Service Corps.
 Mitchell, John S., North Irish Horse.
 Moloney, Michael, 2nd Lieut., 6th Batt. Royal Dublin Fusiliers.
 Moore, Francis, 2nd Lieut., 3rd Batt. Royal Irish Rifles.
 Moorhead, Robert, 2nd Lieut., 4th Batt. Royal Irish Rifles.
 O'Dwyer, John (Junr.), 2nd Lieut., 9th Batt. Royal Dublin Fusiliers.
 O'Morchoe, Arthur D., Lieut., 5th Batt. The Leinster Regiment.
 O'Rorke, Daniel, 2nd Lieut., Royal Garrison Artillery.
 Parr, Victor H., Captain, 7th Batt. Royal Inniskilling Fusiliers.
 Patterson, Richard G. G., Corporal, 9th Batt. Royal Irish Fusiliers.
 Purcell, Noel M. J., Lieut., 6th Batt. The Leinster Regiment.
 Ross, Donald L., 2nd Lieut., Royal Garrison Artillery.
 Ryan, Edward T., Lieut., 4th Batt. Royal Irish Regiment.
 Sainsbury, Reginald A., South Irish Horse.
 Schute, J. Hartley, Lieut., 6th Batt. Royal Irish Fusiliers. (*Killed in action*).
 Stevens, William P., 2nd Lieut., 7th Batt. The King's (Liverpool) Regiment.
 Tolerton, Samuel Lee, Lieut., 6th Batt. Royal Irish Fusiliers. (*Killed in action*).
 Tougher, Robert A., 2nd Lieut., Army Service Corps.
 Turnbull, Alex. M., Corporal, Motor Despatch Rider, Royal Engineers.
 Wallace, Thomas H., 2nd Lieut., Army Service Corps.
 Walsh, Kevin, 2nd Lieut., Army Service Corps.
 White, Richard, 2nd Lieut., Army Service Corps.
 Williams, Samuel E., 2nd Lieut., 6th Batt. Royal Irish Regiment.
 Wilson, John B. M., 2nd Lieut., 10th Batt. Bedfordshire Regiment.
 Wray, John P., Captain, 8th Batt. Royal Inniskilling Fusiliers

Additions to the Library.

The following books were added to the Library during the year 1915.

Atlas.

Philp's Handy Administrative Atlas of Ireland. A series of detailed County Maps, showing Local Government and Parliamentary Divisions. 8vo ; London, 1914.

Bankruptcy.

Williams (Sir Roland Vaughan) : The Law and Practice in Bankruptcy. Eleventh edition. 8vo ; London, 1915.

Building Contracts.

Hudson (Alfred A.) : The Law of Building, Engineering, and Shipbuilding Contracts, and of the Duties and Liabilities of Engineers Architects, Surveyors and Valuers, with Reports of Cases and Precedents. Fourth edition. 2 Vols. 8vo ; London, 1914.

Company.

Fitzpatrick (James) and T. E. Haydon : The Secretary's Manual of the Law and Practice of Joint Stock Companies with Forms and Precedents. Fifteenth edition. 8vo ; London, 1913.

Contract (During War).

Trotter (William Finlayson) : The Law of Contract during War, with leading Cases, Statutes and Orders in Council. 8vo ; London, 1914.

Copyright.

Copinger (William Arthur) : Law of Copyright in works of Literature, Art, Architecture, Photography, Music and the Drama : including chapters on Mechanical Contrivances and Cinematographs : together with International and Foreign Copyrights, with the Statutes relating thereto. Fifth edition by J. M. Easton. 8vo ; London, 1915.

Costs.

Mallins (E. J.) : Costs at the Equity side of the County Courts (Ireland), including Notes as to Workmen's Compensation and Conveyancing. 8vo ; Dublin, 1914.

Directories.

Crockford's Clerical Directory for 1915. 8vo ; London, 1915.
 Kimes (Philip G.) : Kimes International Law Directory for 1915. 12mo ; London, 1915.
 Law List, the for 1915. 12mo ; London, 1915.
 Medical Directory, the for 1915. 8vo ; London, 1915.
 New South Wales Law Almanac for 1915. 12mo ; Sydney, 1915.
 Scottish Law List and Legal Directory for 1915. 12mo ; Edinburgh, 1915.

Stubbs' Commercial Year Book and Gazette Index, 1915. 8vo; London, 1915.
The Dublin University Calendar for the year 1914-1915.

2 Vols; 8vo; Dublin, 1914-15.

Dublin University.

Dublin Examination Papers for the year 1914: being a supplement to the University Calendar for the year 1914-1915.

8vo; Dublin, 1915.

Equity.

Smith (H. Arthur): Principles of Equity. Fifth edition. 8vo; London, 1914.

Snell (Edmund T. H.): The Principles of Equity. Seventeenth edition by H. G. Rivington and A. C. Fountaine.

8vo; London, 1915.

Food and Drugs.

Bell (Sir William J.): Sale of Food and Drugs Acts, 1875 to 1907. Sixth edition by C. F. Lloyd. 8vo; London, 1914.

Franchise.

Lawson (William): Notes of Decisions under the Representation of the Peoples Acts and the Registration Acts, 1914.

8vo; Dublin, 1915.

Forestry.

Adkin (Benaiah W.): Law of Forestry in Great Britain and Ireland, comprising the law relating to Trees and the law relating to Trespass and Game. 8vo; London, 1914.

Gambling.

Coldridge (Ward) and C. V. Hawksford: Law of Gambling, Civil and Criminal. Second edition. 8vo; London, 1913.

Income Tax.

Income Tax Accounts and How to Prepare them. 8vo; London, 1914.

Partnership.

Pollock (Sir Frederick): A Digest of the law of Partnership, with Forms, and an

appendix on the Limited Partnerships Act, 1907, together with the Rules and Forms, 1907, 1909. Tenth edition.

8vo; London, 1915.

Perpetuities.

Gray (John Chipman): The Rule against Perpetuities. Third edition.

8vo; Boston, 1915.

Sales.

Adderley (T. E.) and J. J. Webb; Practice in Sales in the Chambers of the Master of the Rolls and of the Chancery Judge High Court of Justice, Ireland.

8vo; Dublin, 1914.

Statutes.

Chitty's Statutes of Practical Utility, 1914.

8vo; London, 1915.

Valuations.

Land Union's Handbook on Provisional Valuations, with Statutes and Forms.

8vo; London, 1914.

Workmen's Compensation.

Willis (Walter Addington): The Workmen's Compensation Act, 1906. Fifteenth edition.

8vo; London, 1915.

Workmen's Compensation and Insurance Reports for 1914, (1914, W. C. and Ins. Rep.)

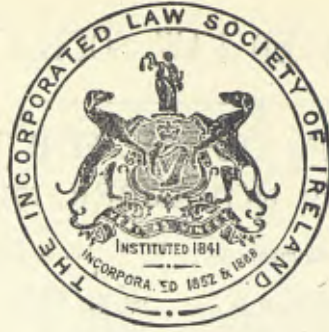
8vo; London, 1915.

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

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

TO SOLICITORS.

Clients' expiring Leases and Fines can be insured at low premiums, and those wishing to purchase their houses on the instalment plan can do so on very advantageous terms with the Yorkshire Insurance Company, Ltd., 3 College Green, Dublin. The Company also grant annuities at much below the average cost, and are specially authorized by the Courts to issue Administration, Receiver, Lunacy and other Bonds. Expedition a special feature. Branches at 6 Royal Avenue, Belfast, and 73 South Mall, Cork.



THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 7.]

January, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1916.

<i>No. 1. House, Library, and Finance:</i>	<i>No. 2. Parliamentary.</i>	<i>No. 3. Costs.</i>	<i>No. 4. Court and Offices.</i>
C. G. GAMBLE.	P. J. BRADY, M.P.	W. H. FRY.	J. H. CALLAN.
J. E. MACDERMOTT.	GEORGE COLLINS.	J. HENRY.	M. L. HEARN.
JAMES MOORE.	P. J. MEEHAN, M.P.	G. M. MEARES.	JAMES MURPHY.
T. G. QUIRKE.	I. J. RICE.	T. G. QUIRKE.	BASIL THOMPSON.
W. T. SHERIDAN.	W. J. SHANNON.	W. V. SEDDALL.	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>
C. G. GAMBLE.	THE EXTRA-ORDINARY	SIR A. F. BAKER.	SIR A. F. BAKER.
W. S. HAYES.	MEMBERS.	W. H. FRY.	GEORGE COLLINS.
G. M. MEARES.	THE PROVINCIAL	R. A. MACNAMARA.	W. S. HAYES.
BASIL THOMPSON.	DELEGATES.	J. W. RICHARDS.	J. E. MACDERMOTT.
R. BLAIR WHITE.	P. J. MEEHAN, M.P.	H. J. SYNNOTT.	R. A. MACNAMARA.
	H. SHANNON.		H. J. SYNNOTT.
	L. C. P. SMITH.		R. G. WARREN.
	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 1916.

President :

CHARLES ST. G. ORPEN.

Vice-Presidents :

JOHN H. WALSH.	ARTHUR S. H. ORPEN.
JOSEPH ALLEN.	J. L. McDONNELL.
J. H. CALLAN.	T. G. QUIRKE.
J. E. MACDERMOTT.	J. W. RICHARDS.
G. M. MEARES.	HENRY SHANNON.
	W. T. SHERIDAN.
	BASIL THOMPSON.
	H. A. WYNNE.
	R. BLAIR WHITE.

Special Examiners :

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

Professors :

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

Secretary :

WM. GEO. WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 7.]

January, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

December 1st.

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. W. B. Ronan, and Mr. H. A. Wynne.

The ten members nominated were declared duly elected as the ten Extra-ordinary Members of the Council for the year ending 26th November, 1916.

Mr. Byrne.

A letter was read from Mr. Byrne, in reply, thanking the Council for their resolution expressing regret at his retirement from the Council.

Recruiting amongst Law Clerks.

A letter was read from Mr. Moran, Sub-Director of Recruiting of the Dublin area, asking the Council to receive Captain Kelly, on behalf of His Excellency the Lord Lieutenant, Director of Recruiting, in reference to recruiting amongst Irish Law Clerks. It was decided to accede to the request, and to receive Captain Kelly at the next meeting of the Council.

Court of Examiners.

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

December 8th.

Election of President and Vice-Presidents.

The Council elected Mr. Charles St. George Orpen to the office of President of the Society, and Mr. John H. Walsh and Mr. Arthur H. S. Orpen to the office of Vice-Presidents of the Society for the year ending 26th November, 1916.

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

Recruiting amongst Law Clerks.

Captain Kelly attended to discuss with the Council, on behalf of His Excellency the Lord Lieutenant, Director of Recruiting, the question of promoting of recruiting amongst Law Clerks in Ireland. At the request of the Council, Mr. Commins, Secretary to the Law Clerks Society, was present. As a result of the discussion the Council undertook to issue a circular to the members of the profession throughout Ireland inviting information relative to the Law Clerks of military age at present in their employment.

Court of Examiners.

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

December 15th.

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, 1916:—Mr. C. St. G. Orpen, Sir A. F. Baker, Mr. Bradley, Mr. Hayes, Mr. Henry, Mr. Macnamara, and Mr. Synnott.

Measuring of Costs.

The Council again had under consideration the question of the measuring of costs of interlocutory motions against the desire of the parties to whom such costs are payable. The Council passed the following Resolution: "That in the opinion of this Council it is the duty of the Solicitor for an unsuccessful litigant in an interlocutory motion not to apply to the Court to measure the costs unless there are special circumstances, and if he do so apply, he should state specifically the special circumstances relied on."

Council Meetings.

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

February 9th and 23rd.
March 8th and 22nd.

Committee Meetings.

THE following Committee Meetings were held during December, 1915:—

Costs, 3rd and 13th.
Court of Examiners, 6th and 17th.
Special, Recruiting amongst Law Clerks, 17th.
Privileges, 20th.
Gazette, 22nd.

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.

Solicitors' Annual Certificates.

MEMBERS are reminded that Annual Certificates for the year ending 5th January, 1917, should be taken out and the duties paid thereon before the 6th February, 1916.

New Member.

THE following joined the Society during December, 1915:—

Kelly, John, Westport.

Knighthood.

THE honour of Knighthood has been conferred upon Mr. Francis Edgar Kearney, LL.D., T.C.D., Solicitor, of Limerick. He is Recruiting Officer for the Counties of Limerick and Clare, with the rank of Captain.

Military Cross.

His Majesty the King has been graciously pleased to confer the Military Cross on the following apprentices to solicitors:—

SECOND LIEUTENANT JAMES K. MACG. GREER, 3rd Dragoon Guards (now of the Irish Guards).

Second Lieutenant Greer is under apprenticeship to his father, Mr. Thomas M. Greer, Ballymoney.

SECOND LIEUTENANT ROBERT W. MCGONIGAL, Royal Garrison Artillery.

Second Lieutenant McGonigal is under apprenticeship to his uncle, Mr. Daniel McGonigal, 2 Rosemary St., Belfast.

Obituary.

MR. PATRICK NOONEY, Solicitor, died upon the 15th December, 1915, at Mullingar.

Mr. Nooney served his apprenticeship with the late Mr. William Mooney, 16 Fleet Street, Dublin, was admitted in Michaelmas Term, 1877, and practised at Mullingar (latterly in partnership with Mr. Thomas J. Dowdall, under the style of Messrs. Nooney and Dowdall).

MR. GEORGE C. MOYERS, Solicitor, died at Turffontein, South Africa.

Mr. Moyers served his apprenticeship with the late Mr. Peter Lambert, 22 Nassau Street, Dublin, was admitted in Hilary Sittings, 1896, and practised at 20 Fleet Street, Dublin, up to the year 1900, when he went to South Africa.

MR. ANTHONY R. CARROLL, Solicitor, died upon the 19th December, 1915, at his residence 2 Upper Sherrard Street, Dublin.

Mr. Carroll served his apprenticeship with his father, the late Mr. Redmond Carroll, Summerhill, Dublin, was admitted in Trinity Term, 1859, and practised formerly at 47 North Great George's Street, and latterly at 2 Upper Sherrard Street, Dublin.

MR. JOSEPH H. BENNETT, Solicitor, died upon the 19th December, 1915, at his residence Brumana, Rushbrooke, Co. Cork.

Mr. Bennett served his apprenticeship with his father, the late Mr. Joseph Bennett, Cork, was admitted in Hilary Sittings, 1888, and practised at 17 Parnell Place, Cork.

MR. BENJAMIN H. LANE, Solicitor, died upon the 22nd December, 1915, at his residence, Rush Hall, Limavady.

Mr. Lane served his apprenticeship with his father, the late Mr. Hugh Lane, Limavady, was admitted in Trinity Term, 1869, and practised at Limavady (recently in partnership with Mr. Edward M. F. Boyle, under the style of Messrs. B. H. Lane and Co.).

Mr. Lane held the office of Sessional Crown Solicitor for the County of Londonderry from the year 1888 to the year 1913, when he resigned.

MR. GEORGE TRUMBULL, Solicitor, died upon the 30th December, 1915, at Beechwood, Malahide, Co. Dublin.

Mr. Trumbull served his apprenticeship with Mr. Charles A. Stannell, 5 Dawson Street, Dublin, was admitted in Easter Sittings, 1891, and practised formerly at 5 Dawson Street, and latterly at 137 St. Stephen's Green, Dublin.

Commissioners to Administer Oaths.

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

Henry Blackburne, Solicitor, Carrickfergus.

Thomas T. Reilly, Clerk of Petty Sessions, Ardee.

John Cluskey, Solicitor's Assistant, Nenagh.

Patrick Maguire, Clerk in County Council Office, Monaghan.

Rules of the Supreme Court of Judicature in Ireland.

By an Order in Council dated 21st December, 1915, three amendments have been made to the Rules of the Supreme Court (Ireland), 1905.

ORDER XXXVII.

Rule 1 of this Order provided that in the absence of any agreement in writing between the Solicitors of all parties, the evidence should be given *viva voce* and in open Court.

The following Rule has now been added to this Order, as Rule 1, A. :—

During the continuance of the war, notwithstanding the provisions of the previous Rule, the Court or a Judge may, for sufficient reason, and on such terms as the Court or Judge shall direct, allow the evidence of any person in naval or military service or engaged out of the United Kingdom in any operations ancillary to naval or military service, or who is a prisoner of war, to be given by affidavit.

ORDER XXXVIII., RULE 7.

This Rule provides as to the persons before whom affidavits in causes and matters depending in the High Court may be sworn.

The following proviso has been added to this Rule :—

Provided that where, by reason of the war, it is not practicable for any person outside the United Kingdom to fulfil the foregoing requirements, any such examination, affidavit, declaration, affirmation, attestation of honour or acknowledgment may be sworn and taken before any adjutant or officer commanding a regiment, Lieutenant, R.N. or R.N.R., or other officer holding higher rank in either Army or Navy, and the persons, Judges and Courts hereinbefore mentioned shall take judicial notice of the signature of such military or naval officer.

ORDER LXII., RULE 66.

New War Loan is substituted in this Rule for 2½ per cent. Consolidated Stock, as the Stock in which the Accountant-General shall, after the expiration of six months, invest all sums of cash of not less than £50 lodged in Court in the Chancery Division.

Recent Decisions affecting Solicitors.

PROBATE, DIVORCE, AND ADMIRALTY
DIVISION (ENGLAND).
(Before Horridge, J.)

Probate Business.

In the Estate of W. M. Millar (deceased); Irwin and Another v. Caruth and others.

Probate—Will of domiciled Irishman executed in India—Executors appointed as regards property in India only—Executor according to the tenor of Irish property—Grant by Irish Court—Application in England for Grant as to English assets—Construction of Will considered—Probate and Letters of Administration (Ireland) Act, 1857 (20 & 21 Vict., c. 79, s. 95)—Re-sealing of foreign Probate—Practice.

On the 24th April, 1914, a testator, who was domiciled in Ireland, executed the following Will in India:—"I, W. M. M., Major of the Army Veterinary Corps, do hereby declare this to be my last Will, and desire nothing of my property in India to be handed over to my Solicitor in Ireland, who will deal with my Irish property only. I wish all my personal effects, ponies, saddlery, etc., except such as my executors desire to dispose of otherwise, to be sold, and after payment of my just debts and funeral expenses I give all to my executors to dispose of as they think best, but I should like some permanent memorial to be erected in Lucknow. I have on record that Incha Ram owes me Rs. 3,000, to be paid to my executors. And, lastly; I appoint Captain Torrie, Cavalry Brigade-Major, Lucknow, and Rev. Ronald Irwin, Garrison Chaplain, Lucknow, executors of this my Will with regard to all my property in this country. In witness whereof I have hereunto set my hand this 24th day of April, A.D., 1914." This Will was proved at Oudh, India, on the 4th July, 1914. The estate in Ireland consisted of real estate; that in England and India of personalty only. On the 7th Dec., 1914, the Irish Court of Probate made a general grant to the defendant, C. (the Solicitor referred to in the Will). A motion by the present plaintiffs was filed in the Chancery Division in Ireland on the 12th Dec., 1915, asking that the grant should be limited to the Irish property, and was set down for hearing on the 20th Dec., 1915. Counsel for the plaintiffs (the executors named in the Will) contended that on the true construction of the Will they were residuary legatees, and, therefore, entitled to

a grant as to the English assets. He referred to *Chichester v. Quatrefages*, [1895], p. 186. Evidence upon affidavit, proving due execution of the Will, was given. Counsel for the defendant, C., submitted that it was the Court's practice to follow the grant of the Court of the testator's domicile, and also as to the person to whom the grant is made. Section 95 of the Probate and Letters of Administration (Ireland) Act, 1857, governed the question, for the defendant had presented his grant to be re-sealed, and had been met with the plaintiff's caveat. Counsel for the other defendants (next-of-kin of the deceased) asked for a grant of administration, and cited *Newman v. Newman* (26 Beav., 220), *Barnaby v. Tassell* (L. Rep. 11, Eq. 363), and *Countess Zechy's Case* (7 Beav. 1).

Horridge, J., said that, in his view, the plaintiffs were residuary legatees under the Will, and, as such, entitled to a grant of Letters of Administration of the English property. As regards Section 95 of the Probate and Letters of Administration (Ireland) Act, 1857, he (the learned Judge) was of opinion that it did not take away from the English Court the power to make a grant when a grant already obtained from the Court of another country had not been re-sealed in England. The Will would be pronounced for, and a grant of administration with the Will annexed made to the plaintiffs. The costs of all parties would come out of the estate.

(*The Law Times*, Vol. 140, page 157.)

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

NOTICE OF TRANSFER OF BUSINESS.

Mr. NATHANIEL TAYLOR,

Having joined the Army Service Corps, has made arrangements to transfer the business of Solicitor and Land Agent, carried on by him at No. 23 Stephen's Green, N., Dublin, to

Messrs. BROWNE & MAUNSELL,
of No. 40 Westland Row, Dublin, during his absence on active service.

All communications for Mr. Taylor should, therefore, until further notice, be addressed to Messrs. Browne & Maunsell, at 40 Westland Row, Dublin.

QUARTER SESSIONS FOR IRELAND, 1916.

County and Sessions Town	Hilary	Easter	Trinity	Michaelmas	County and Sessions Town	Hilary	Easter	Trinity	Michaelmas
ANTRIM—					DONEGAL—con.				
Antrim ...	JAN. 4	MAR. 29	JUNE 6	OCT. 12	Letterkenny ...	JAN. 18	APR. 3	JUNE 6	OCT. 16
Lisburn ...	" 5	" 30	" 7	" 13	Buncrana ...	" 24	—	—	" 5
Belfast ...	" 6	" 31	" 8	" 17	Lifford ...	" 28	APR. 12	JUNE 16	" 23
Larne ...	—	" 28	—	" 11	Glenties ...	—	" 10	—	—
Ballymoney ...	JAN. 26	APR. 12	JUNE 23	NOV. 1	Carndonagh ...	—	—	JUNE 12	—
Ballymena ...	" 28	" 14	" 26	" 3					
BOROUGH OF BELFAST—					DOWN—				
Belfast ...	JAN. 13	FEB. 17	MAY 18	SEP. 12	Newry ...	JAN. 4	MAR. 21	JUNE 1	OCT. 10
" ...	FEB. 1	APR. 10	JUNE 20	OCT. 25	Banbridge ...	" 10	" 27	" 7	" 16
" ...	—	MAY 2	—	NOV. 16	Downpatrick ...	" 15	APR. 1	" 13	" 21
					Newtownards ...	" 20	" 6	" 17	" 26
					Lisburn ...	" 5	MAR. 30	" 7	" 13
ARMAGH—					DUBLIN—				
Lurgan ...	JAN. 27	APR. 7	JUNE 13	OCT. 26	1915				
Portadown ...	" 31	—	" 15	—	Swords ...	DEC. 11	—	JUNE 17	—
Ballybot ...	" 21	APR. 3	" 7	OCT. 20	Balbriggan ...	—	MAR. 4	—	SEP. 30
Markethill ...	FEB. 2	" 12	" 17	" 31	1916				
N'townhamil-	—	—	" 20	—	Kingstown ...	JAN. 15	APR. 15	JUNE 24	OCT. 7
Armagh [ton	FEB. 4	APR. 14	" 22	NOV. 2	Dublin & Kil-	—	—	—	—
					mainham (at				
					Green Street)	" 12	MAR. 24	JULY 11	" 9
CARLOW—					BOROUGH OF DUBLIN AND KILMAINHAM DIVISION—				
Bagnalstown	FEB. 1	APR. 11	JUNE 27	OCT. 24	Dublin ...	JAN. 3	APR. 6	JULY 3	OCT. 26
Carlow ...	" 2	" 12	" 28	" 25	" ...	FEB. 1	MAY 1	*SEP. 29	NOV. 9
Tullow ...	" 4	" 14	" 30	" 27	" ...	—	—	—	DEC. 1
					" ...	MAR. 1	JUNE 9	—	—
CAVAN—					FERMANAGH—				
Bailieborough	JAN. 8	MAR. 14	MAY 11	SEP. 28	Newtown-				
Cotehill ...	" 12	" 17	" 15	OCT. 2	butler ...	JAN. 26	APR. 6	JUNE 15	OCT. 23
Cavan ...	" 15	" 20	" 18	" 5	Enniskillen ...	" 29	" 8	" 17	" 26
Ballyconnell	" 27	" 30	" 29	" 19					
CLARE—					GALWAY—				
Killaloe ...	JAN. 5	—	MAY 17	—	Loughrea ...	JAN. 5	—	JUNE 7	—
Ennistymon	" 6	MAR. 16	" 18	SEP. 29	Tuam ...	" 10	APR. 3	" 12	OCT. 2
Kilrush ...	" 10	" 20	" 22	OCT. 2	Oughterard ...	" 20	—	" 23	—
Ennis ...	" 18	" 28	" 31	" 10	Gort ...	" 17	APR. 7	" 19	OCT. 6
Tulla ...	—	" 15	—	SEP. 27	Galway ...	" 25	" 28	" 29	" 18
CORK—					Portumna ...	—	MAR. 28	—	SEP. 26
Cork ...	JAN. 11	MAR. 27	MAY 23	OCT. 18	Ballinasloe ...	—	" 29	—	" 27
Kinsale ...	—	—	JUNE 2	—	Clifden ...	—	APR. 14	—	OCT. 11
Youghal ...	JAN. 31	—	" 19	—					
Fermoy ...	" 24	APR. 28	" 5	NOV. 7	KERRY—				
Middleton ...	—	" 4	—	OCT. 31	Listowel ...	JAN. 5	MAR. 22	MAY 24	SEP. 21
Kanturk ...	FEB. 3	—	JUNE 21	—	Caherciveen ...	" 26	—	JUNE 13	OCT. 13
Mallow ...	—	APR. 11	—	OCT. 9	Kenmare ...	" 22	—	" 8	" 10
Macroom ...	JAN. 3	MAR. 27	JUNE 12	SEP. 25	Killarney ...	" 12	MAR. 28	MAY 30	SEP. 29
Bandon ...	" 10	APR. 1	—	OCT. 2	Tralee ...	" 31	APR. 8	JUNE 19	OCT. 21
Clonakilty ...	—	—	JUNE 19	—	Dingle ...	—	" 6	—	" 19
Bantry ...	JAN. 19	—	" 27	—					
Skibbereen ...	—	APR. 10	—	OCT. 10	KILDARE—				
					Naas ...	JAN. 25	APR. 4	JUNE 20	OCT. 16
BOROUGH OF CORK—					Athy ...	" 28	—	" 23	—
Ct. of Record	FEB. 15	MAY 3	JUNE 15	SEP. 25	Kildare ...	—	APR. 7	—	OCT. 20
	—	—	JULY 5	NOV. 14					
DONEGAL—					KILKENNY—				
Ballyshannon	JAN. 6	—	MAY 25	—	Thomastown	JAN. 12	APR. 14	JUNE 15	OCT. 4
Donegal ...	" 10	MAR. 27	" 29	OCT. 9					

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



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Incorporated Law Society of Ireland.

Vol. IX, No. 8.]

February, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 8.]

February, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

January 12th.

The Lord Chancellor.

A resolution was passed congratulating the Lord Chancellor upon the occasion of a Baronetcy being conferred upon him.

Postal Delivery in Dublin.

The President informed the Council that a joint deputation from the Bar Council and from the Council of this Society had interviewed the Secretary of the General Post Office, Dublin, to urge upon him the desirability of continuing the late evening delivery of letters in Dublin; and had suggested that the earlier evening delivery might be discontinued, in the event of the later one being continued. The Secretary had informed the deputation, in reply, that the rearrangement of the Dublin postal deliveries, owing to the exigencies of the war, did not permit of a later delivery than the 6.10 p.m.

Law Clerks.

Memorials from two Law Clerks asking for modified preliminary examinations were considered, and it was decided to assent to both applications.

Benchers' Meeting.

A letter was read from the Lord Chancellor intimating that for the future the meeting of Benchers held upon the eighth day of each Sittings would take place at 3.30 p.m., instead of 11 o'clock a.m. as heretofore.

January 26th.

The Lord Chancellor.

A letter was read from the Lord Chancellor thanking the Council for their congratulations.

Certificates.

Applications by three Solicitors for renewal of their annual certificates and orders were made in the three cases.

Council Meetings.

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

March 8th and 22nd.

April 5th.

Committee Meetings.

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

Gazette, 19th.

Court of Examiners, 24th.

Privileges, 25th.

County Courts, 27th.

New Members.

THE following joined the Society during January, 1916:—

Cooke, Charles A., Galway,

Hodgins, William L., Nenagh.

Porter, Robert J., Belfast.

Obituary.

MR. JAMES ARCHER PORTER, Solicitor, died upon the 4th January, 1916, at Dublin.

Mr. Porter served his apprenticeship with the late Mr. T. L'Estrange and the late Mr. H. Crawford, Belfast, was admitted in Hilary Sittings, 1895, and practised at 27 Lower Ormond Quay, Dublin, up to the year 1904, when he retired.

MR. ALEXANDER ROSS, Solicitor, died upon the 10th January, 1916, at Dublin.

Mr. Ross served his apprenticeship with the late Mr. Peter J. O'Flaherty, Ennis-corthy, was admitted in Hilary Sittings, 1895, and practised at 1 Upper Mount Street, Dublin, up to the year 1911, when he retired.

MR. WILLIAM RUSSELL, Solicitor, died upon the 17th January, 1916, at his residence, Ardnagale, Downpatrick.

Mr. Russell served his apprenticeship with the late Mr. James Murland, Downpatrick, was admitted in Trinity Term, 1871, and practised (recently in partnership with his son, Mr. Charles M. Russell, under the style of Messrs. William Russell and Son), at Downpatrick.

Postal Services.

Under the new regulations for the delivery of letters, the latest delivery in Dublin is that at 6.10 p.m. Letters for Dublin from the provinces, which reach Dublin by the evening mail trains, will not now be delivered until the following morning, but the delivery of a letter on the evening of its arrival in Dublin can be secured by sending it by Express Delivery.

In response to an inquiry whether legal documents, such as briefs, copies of deeds, affidavits or orders, may be now sent by Inland Book Post, which is at the rate of one halfpenny postage not exceeding two ounces in weight, and one halfpenny for every additional two ounces or fraction of two ounces, the following letter has been received:—

General Post Office,
London, 13th January, 1916.

SIR,

I am directed by the Postmaster-General to refer to your communication of the 17th

December, addressed to the Secretary of the Post Office at Dublin, respecting the admissibility at the Book Rate of postage of documents such as briefs to Counsel, and manuscript or typewritten copies of deeds, and other legal documents such as affidavits and orders of Court.

In reply, I am to inform you that the transmission of such documents at the Book Rate of postage will be provisionally allowed, and that a description of them will, in the next edition of the Post Office Guide, be included in the list of documents admissible at that rate.

I am, Sir,

Your obedient servant,

(Signed), WALTER G. GATES.

The Secretary,

Incorporated Law Society of Ireland.

In order to comply with Book Post regulations, every packet, so sent, must be sent either without a cover, or in a cover open at the ends or sides, and no packet may contain anything which is sealed or otherwise closed against inspection, nor any letter, unless the whole of such be printed. No such packet must exceed 24 inches in length, or 12 inches in width or depth.

Results of Examinations.

At the Preliminary Examination held upon 6th and 7th January, the following passed the examination, and their names are arranged in order of merit:—

1. Hutchinson E. Davidson.
2. Samuel A. French.

Michael Dorgan and Edmond R. McDonnell have passed the modified Preliminary Examination, for which they had liberty to present themselves. The remaining candidates have been postponed.

At the Final Examination held upon 3rd, 4th and 5th January, the following passed the examination, and their names are arranged in order of merit:—

1. Arthur P. Orr.
2. Stirling J. Seeds.
3. Patrick J. Collins.

4. John I. M. Carrigg,
Bartholomew J. Goff, B.A., } equal.
N.U.I.
6. James Boston.
7. Terence Doyle.
8. John B. Hamill, B.A., T.C.D.
9. David W. McGonigal.

The Council have awarded Special Certificates to Arthur P. Orr and Stirling J. Seeds. The remaining candidates have been postponed.

New Solicitors.

THE following were admitted during January, 1916 :—

Name	Served Apprenticeship to
Doyle, Terence	W. Hunter, 11 Dame St., Dublin.
Fogarty, Stephen de Vere	John P. Carrigan, Thurles.
Foley, John	Paul A. Brown, Carlow.
McCourt, William James	Daniel McCartan, Downpatrick.
McDonnell, Rd. Joseph	W. H. Spence, 37 Westmoreland St., Dublin.
Ward, Peter Joseph	James Henry, 41 Lower Sackville St., Dublin.

Recent Decision affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Peterson, J.)

In re Joseph Roby; Shubrook v. Taylor.

January 20, 1916.—Costs—Creditor's administration action—Order for administration—Costs not mentioned—Accounts—Further consideration—Plaintiff's costs—Practice.

Further consideration.

On March 15, 1913, the plaintiff in this action, who was a creditor for £18, obtained against the defendant, who was an executor of the Will of the testator, an order for the administration of the testator's insolvent estate. The order was made by Joyce, J., and nothing was said at the time about costs. On December 10, 1914, the matter came on for further consideration before Eve, J., who adjourned it until the defendant had got in the rest of the estate, and ordered the account

to be continued. On that occasion the defendant opposed the plaintiff having his costs, but Eve, J., declined to discuss the question then. The rest of the estate having been got in, the further consideration now came on for hearing, the only question being one of costs.

It was contended for the plaintiff that he was entitled to them as a matter of course, and for the defendant it was contended that the reservation of costs in an administration action did not entitle the plaintiff to have his costs paid out of the estate, and that if he were entitled to his costs down to judgment, he ought not to be allowed his costs of taking the account.

Peterson, J., referred to Order LV., rule 10 (Irish Order LV., rule 14), and said that he was of opinion that it was the settled practice that where in an administration action a plaintiff obtained judgment and nothing was said as to costs, he was entitled to his costs down to judgment, and that where an account was ordered by the judgment he was entitled, in the absence of misconduct, to his costs of taking the account. The costs of the plaintiff must be allowed accordingly.

(Reported *The Law Journal*, Vol. LI., 64.)

Dates of Spring Assizes, 1916.

NORTH-EAST CIRCUIT.

Co. Meath.—At Trim, March 1st, at 11 o'clock.

Co. Louth.—At Dundalk, March 2nd, at 11 o'clock.

Co. Monaghan.—At Monaghan, March 4th, at 11 o'clock.

Co. Armagh.—At Armagh, March 7th, at 11 o'clock.

Co. Down.—At Downpatrick, March 9th, at 11 o'clock.

Co. Antrim.—At Belfast, March 14th, at 12 o'clock.

Co. of the City of Belfast.—At Belfast, March 16th, at 11 o'clock.

Judges.—Hon. Mr. Justice Boyd, Rt. Hon. Mr. Justice Pim.

Registrars.—Mr. J. H. Monroe, Palmerston Gardens, Dublin; Mr. J. H. Nunn, Bective, Pembroke Park, Dublin.

NORTH-WEST CIRCUIT:

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

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

Co. Cavan.—Cavan, Saturday, 4th March, at 11 a.m.

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

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

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

Co. Londonderry.—Londonderry, Wednesday, 15th March, at 11.30 a.m.

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

Judges.—The Rt. Hon. Mr. Justice Ross, and the Rt. Hon. Mr. Justice Dodd.

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

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, Wednesday, March 1st, at 11 o'clock.

Co. Limerick.—At Limerick, Monday, March 6th, at 11 o'clock.

Co. of the City of Limerick.—At Limerick, Monday, March 6th, at 11 o'clock.

Co. Kerry.—At Tralee, Friday, March 10th, at 12 o'clock.

Co. Cork.—At Cork, Monday, March 20th, at 11 o'clock.

Co. of the City of Cork.—At Cork, Wednesday, March 22nd, at 10.30 o'clock.

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

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

LEINSTER CIRCUIT

Co. Wicklow.—At Wicklow, Wednesday, March 1st, at 12 o'clock, noon.

Co. Wexford.—At Wexford, Thursday, March 2nd, at 11 o'clock, a.m.

Co. Waterford.—At Waterford, Saturday, March 4th, at 12 o'clock, noon.

Co. of City of Waterford.—At Waterford, Saturday, March 4th, at 11 o'clock a.m.

Co. Tipperary (South Riding).—At Clonmel, Tuesday, March 7th, at 11 o'clock a.m.

Co. Tipperary (North Riding).—At Nenagh, Friday, March 10th, at 11 o'clock a.m.

Queen's Co.—At Maryborough, Monday, March 13th, at 11 o'clock a.m.

Co. Kilkenny.—At Kilkenny, Wednesday, March 15th, at 11 o'clock, a.m.

Co. Carlow.—At Carlow, Thursday, March 16th, at 11.30 a.m.

Co. Kildare.—At Naas, Saturday, March 18th, at 11.30 a.m.

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

Registrars.—Mr. F. C. Martley, 38 Fitzwilliam Place, Dublin; and Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin.

CONNAUGHT CIRCUIT.

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

Co. Leitrim.—Carrick-on-Shannon, Monday, March 6, at 2.30 p.m.

Co. Sligo.—Sligo, Thursday, March 9, at 11.30 a.m.

Co. Roscommon.—Roscommon, Monday, March 13, at 11 a.m.

Co. Mayo.—Castlebar, Thursday, March 16, at 12 noon.

Co. Galway.—Galway, Tuesday, March 21, at 11 a.m.

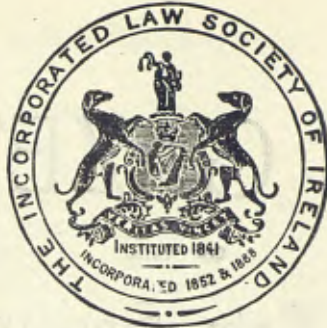
Judges.—The Right Hon. the Lord Chief Justice, and the Right Hon. Mr. Justice Kenny.

Registrars.—Mr. J. Briscoe Cherry, St. Helen's, Bray, Co. Wicklow; and Mr. E. H. Kenny, Marlfield, Cabinteely, Co. 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. IX, No. 9.]

March, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 9.]

March, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.]

Meetings of the Council.

February 9th.

Registration of Title.

The Council made a request to the Registrar of Titles that Local Registrars, upon receiving a deed for registration, should give to the Solicitor lodging the deed a receipt in the nature of a provisional registration. A letter was read from the Registrar, in reply, stating that since November, 1914, Local Registrars upon receipt of documents issue a printed letter which states:—"I acknowledge the receipt of your letter with the enclosures therein contained," and that there is nothing to prevent a Solicitor from lodging with any dealing with registered land, a schedule setting out in detail the documents lodged, and requesting the Local Registrar to sign and return the schedule. It was decided to make a further communication on the subject to the Registrar.

Solicitors (Ireland) Act, 1898.

Proceedings were directed to be taken against Frederick O'Flaherty, an unqualified person, for having acted as a Solicitor. A report of the proceedings appears in this GAZETTE.

Certificates.

Three applications by Solicitors for renewal of their Certificates were considered, and orders were made in the three cases.

New Members.

THE following joined the Society during February, 1916:—

Carrigg, John, 19 Eustace Street, Dublin.
Caulfield, William, Kells.
Fogarty, Stephen de Vere, Templemore.
Maguire, Conor A., Claremorris.
Mason, Edwin E., Mullingar.

Obituary.

MR. JOHN F. CULHANE, Taxing Master of the Supreme Court of Judicature, died on the 6th March, 1916, at his residence, Sunningwell, Temple Gardens, Dublin.

Mr. Culhane, who served his apprenticeship with Mr. John J. O'Meara, 211 Great Brunswick Street, Dublin, was admitted a Solicitor in Hilary Sittings, 1904, and practised at 5 Cavendish Row, Dublin, up to the year 1912, in which year he was appointed Solicitor to the Irish National Health Insurance Commission.

In the year 1914 Mr. Culhane was appointed to be a Taxing Master of the Supreme Court of Judicature.

MR. HENRY R. EMERSON, Solicitor, died upon the 6th February, 1916, at his residence, 36 Marlborough Road, Dublin.

Mr. Emerson served his apprenticeship with Sir Benjamin Whitney, 36 Dawson Street, Dublin, was admitted in Trinity Term, 1877, and practised formerly in partnership with the late Mr. A. J. Dudgeon, and latterly at 6 St. Andrew Street, Dublin, under the style of Messrs. A. F. Maffett & Co.

MR. JOSEPH P. TYNDALL, Solicitor, died upon the 13th February, 1916, at a Private Nursing Home.

Mr. Tyndall served his apprenticeship with the late Mr. Robert K. Clay, 21 St. Andrew Street, Dublin, was admitted in Easter Sittings, 1881, and practised at 11 Fleet Street, Dublin.

MR. PATRICK J. B. DALY, Solicitor, died upon the 14th February, 1916, at Eyre Square, Galway.

Mr. Daly served his apprenticeship with the late Mr. Henry J. P. West, 33 North Great George's Street, Dublin, was admitted in Michaelmas Term, 1874, and practised at Galway.

MR. JAMES A. ELLIOTT, Solicitor, died upon the 14th February, 1916, at Londonderry.

Mr. Elliott served his apprenticeship with Mr. Joseph Loughrey, Londonderry, was admitted in Trinity Sittings, 1904, and practised in partnership with Mr. David Wilson, under the style of Wilson & Elliott, at Londonderry.

Notaries Public.

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

John Cottrell, Solicitor, Cork.
Patrick J. Kavanagh, Solicitor, Cork.

Commissioners to Administer Oaths.

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

John Cottrell, Solicitor, Cork.
Peter C. Furlong, Solicitor, 36 Westmoreland Street, Dublin.
Thomas J. Healy, Solicitor, Callan.
Edward J. Kenny, Solicitor, 24 Eustace Street, Dublin.
Wilmot H. C. Lloyd, Solicitor, 33 Kildare Street, Dublin.
William J. Molloy, Solicitor, 11 Fleet Street, Dublin.

Henry A. B. O'Hanlon, Solicitor, 73 Dame Street, Dublin.

Arthur G. Davis, Land Agent, Kilkenny.
Edward Eustace, Clerk of Petty Sessions, Tullow.

Hugh McEvoy, Clerk of Petty Sessions, Glenarm.

James O'Doherty, Accountant, Londonderry.

Victor E. Shaw, Clerk of Petty Sessions, Ballymote.

New Solicitors.

THE following were admitted during February, 1916:—

Name	Served Apprenticeship to
Black, William	W. A. Parke, Clones.
Boston, James	John Graham, Belfast.
Carrigg, John Ignatius Michael	E. F. Collins, Dublin.
Collins, Patrick Joseph	J. H. Collins, Newry.
Hamill, John Bernard	J. R. Donaldson, Dundalk, and A. S. Coulter, Dundalk.
McGonigal, David W.	Daniel McGonigal, Belfast.
Seeds, Stirling Johnston	George Allen, Belfast.

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

IN reply to a letter of inquiry as to refund of duty paid on the Annual Certificates of Solicitors engaged on Active Service with the Naval or Military Forces, the following letter has been received:—

Stamps and Taxes,
Inland Revenue,
Custom House, Dublin,
25th February, 1916.

Sir,
Your letter of 31st ultimo has been referred to me by the Secretary to the Board of Inland Revenue, and in reply thereto, I beg to inform you that, in accordance with the statement of the Chancellor of the Exchequer in the House of Commons on the 6th ultimo, it has been arranged that relief from Solicitors' Certificate Duty will be allowed on application 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 has taken no active part in conducting his business, or that of the firm in which he is a partner.

Application on behalf of any Irish Solicitor who wishes to take advantage of this concession, should be made to me 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 of the applicant's 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.

You will, of course, understand that this concession does not in any way alter the necessity for a Solicitor, either alone or in partnership, holding a Certificate.

It refers exclusively to the return of Duty which has been paid, and does not excuse or affect its original payment in cases in which, according to law, such payment is required.

I am,
Sir,

Your obedient Servant,
(Signed), J. SIMPSON,
Assistant Secretary and
Comptroller.

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

Death Certificates of Soldiers.

THE War Office announces that death certificates are issued free of charge in the case of officers as well as n.c.o.'s and men killed in action or dying as the result of active service. Applications in the case of fallen officers should, however, be addressed to the Secretary, War Office, Whitehall, London, S.W.; applications regarding warrant officers, n.c.o.'s and men only should be sent to Park Buildings, St. James's Park, London, S.W.

Unqualified Person Acting as a Solicitor.

UPON the 16th February an application was made by Mr. Serjeant Matheson, K.C., in the King's Bench Division (before Mr. Justice Gibson and Mr. Justice Pim), upon behalf of the Incorporated Law Society, for an order that Frederick O'Flaherty be adjudged guilty of a contempt of Court by reason of his having, contrary to the provisions of Sections 6 and 52 of the Solicitors (Ireland) Act, 1898, acted as a Solicitor upon behalf of the defendant in an action taken in the King's Bench Division, and that a writ of attachment do issue against him. It appeared from the affidavits read by Counsel that in November, 1915, Frederick O'Flaherty, acting for the defendant in an action then pending in the King's Bench Division, had entered an appearance in the name of the defendant, and had subsequently prepared and filed a defence in the name of the defendant, and that he had been paid by the defendant a sum of two pounds and one shilling for this work.

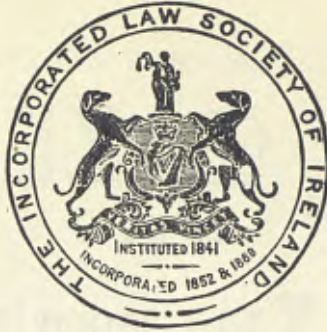
Frederick O'Flaherty appeared on his own behalf, and informed the Court that he had been for many years in employment as clerk to a Dublin Solicitor; that he had for some years been acquainted with the defendant, and as a friend had given her advice; that he entered the appearance and filed the defence as a friend, and not with the intention of acting as a Solicitor.

The Court made an order adjudging Frederick O'Flaherty guilty of contempt, and imposed a fine of £50, to be paid by him within one week, and in default that he be committed to prison for one month, or until he shall have sooner paid the said fine.

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Calendar of the Incorporated Law Society, 1916.

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THE GAZETTE

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Incorporated Law Society of Ireland.

Vol. IX, No. 10.]

April, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. IX, No. 10.]

April, 1916.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

March 8th.

Death of Master Culhane.

A resolution was passed expressing the sympathy of the Council with Mrs. Culhane and the other members of the family of the late Master Culhane in their bereavement.

Vacancy in the Office of Taxing Master.

The following resolution was passed, and a copy directed to be sent to the Lord Chancellor:—Resolved, "The Council of the Incorporated Law Society of Ireland desire to respectfully inform the Lord Chancellor they are of opinion that in the interests of the public and of the profession, the vacant office of Taxing Master of the Supreme Court of Judicature should be filled with as little delay as possible."

Finance Act Appeals.

A letter was read from a member drawing attention to the delay in setting down for hearing of appeals against assessment of estate duty. It was resolved to make representations with a view to having this cause of complaint remedied.

Irish Land Stocks.

In reply to the suggestion of the Council that the minimum prices be removed from Irish Land Stocks, a letter was read from the Treasury, which stated "that the minimum prices for various stocks (including Irish

Land Stocks) were fixed as part of a general policy adopted by the Lords Commissioners of His Majesty's Treasury at the time of the re-opening of the Stock Exchange, and embodied in the Temporary Regulations. Their Lordships have given careful and repeated consideration to the question of the removal of minimum prices for various securities, but they have not felt able, at the present time, to approve the removal of the minima from the stocks issued under the Irish Land Acts."

Court of Examiners.

A report was read on an application by a Law Clerk for leave to be bound under Section 16, and the application was granted.

March 22nd.

Vacancy in the Office of Taxing Master.

A letter was read in reply from the Secretary of the Lord Chancellor, which stated that "owing to the reduced income of the Taxing Office and the decrease in the volume of business (which it is hoped will be rectified in the future), and the urgent necessity for economies during the war, the Lord Chancellor has reluctantly come to the conclusion that there is no immediate necessity to fill the vacant office of Taxing Master."

Probate Offices.

In reply to a letter from the Council drawing attention to delay in the copying department of the King's Bench Division (Probate), a letter was read from the Assistant Registrar, which stated one of the staff of writing clerks had joined His Majesty's Forces, and in consequence the work fell into arrear, but that temporary help has now been sanctioned by the Treasury, and everything is being done to clear off the arrears.

Council Meetings.

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

May 3rd, 17th and 31st.
June 14th and 28th.

Committee Meetings.

MEETINGS of the following Committees were held during March, 1916:—

Costs, 3rd and 28th.
Land Acts, 7th.
Gazette, 10th.
Court and Offices, 15th.

Obituary.

SIR MALACHY J. KELLY, Chief Crown Solicitor in Ireland, died upon the 25th March, 1916, at his residence, Thorndale, Temple Road, Dublin.

Sir Malachy served his apprenticeship with the late Mr. Louis G. O'Neill, 1 Capel Street, Dublin, was admitted in Trinity Term, 1871, and practised at Castlebar up to the year 1905. He was Crown Solicitor for County Mayo from 1885 till 1905, when he was appointed to the office of Chief Crown Solicitor in Ireland, having his office at Dublin Castle.

MR. SAMUEL BENNER, Solicitor, died upon the 14th January, 1916, at his residence, Merrick, Long Island, New York, U.S.A.

Mr. Benner served his apprenticeship with the late Mr. Samuel Hobson, 26 Lower Ormond Quay, Dublin, was admitted in Hilary Term, 1866, and practised at Tralee up to the year 1901, when he retired.

MR. JAMES M. JUDGE, Solicitor, died upon the 1st March, 1916, at Calgary, Alberta, Canada.

Mr. Judge served his apprenticeship with Mr. John M. Maxwell, 40 North Great George's Street, Dublin, was admitted in Hilary Sittings, 1904, and practised at 2 Foster Place, Dublin, up to the year 1911, when he went to Canada.

MR. HENRY T. STEWART, Solicitor, died upon the 12th March, 1916, at 72 Harcourt Street, Dublin.

Mr. Stewart served his apprenticeship with the late Mr. Thomas Stott, Ballymoney, was admitted in Trinity Term, 1870, and practised formerly at 33 Lower Ormond Quay, and subsequently at 43 Lower Sackville Street, Dublin, in partnership with Mr. Mark S. Orr (under the style of Messrs. Stewart and Orr) up to the year 1909, when he retired.

MR. HENRY MAGUIRE, Solicitor, died upon the 18th March, 1916, at his residence, 16 Trevelyan Terrace, Belfast.

Mr. Maguire served his apprenticeship with the late Mr. William Casey, 15 Upper Ormond Quay, Dublin, was admitted in Michaelmas Term, 1875, and practised at Belfast.

MR. WILLIAM F. ST. LEGER, Solicitor, died upon the 18th March, 1916, at The Laurels, Fermoy.

Mr. St. Leger served his apprenticeship with the late Mr. Henry T. Dix, 61 Upper Sackville Street, Dublin, was admitted in Michaelmas Term, 1875, and practised at Fermoy.

Commissioner to Administer Oaths.

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

William Tuite, Clerk of Petty Sessions,
Oldcastle.

High Court Sittings, 1916.

Easter Sittings will commence on Thursday, 27th April, and will terminate on Wednesday, 31st May. Trinity Sittings will commence on Wednesday, 14th June, and will terminate on Monday, 31st July.

New Solicitors.

THE following were admitted during March, 1916:—

<i>Name</i>	<i>Served Apprenticeship to</i>
Orr, Arthur Percival ..	William E. Orr, Omagh, Co. Tyrone.
O'Shea, Timothy ...	Maurice McCartie, Kil- larney, Co. Kerry.

Irish Land Commission.

TITHE-RENTCHARGE (IRELAND) ACT, 1900.

(Certificate under Section 2.)

THE Irish Land Commission having, in accordance with the provisions of the 2nd Section of the Act 63 & 64 Vict., cap. 58, ascertained from the Appendices to their Reports as presented to Parliament, in pursuance of Section 55 of the Land Law (Ireland) Act, 1881, by what amount in each county during the period commencing with and including the year covered by the Annual Report, dated the 12th day of July, 1901, and ending with that dated the 31st day of July, 1915, the rents of holdings in respect of which judicial rents have been fixed for a second statutory term, whether by order or by agreement, have, for the entire of such period, been varied by the fixing of such judicial rents, hereby certify that the average percentage of variation of judicial rents payable during a second statutory term as compared with the judicial rents payable during the last preceding statutory term in each county hereinafter mentioned, is the

average percentage set forth opposite the name of each county specified in the Schedule hereto.

Dated this 11th day of October, 1915.

By Order,

(Signed) C. T. BEARD,
Secretary.

[*Seal of the*
Irish Land Commission.]

SCHEDULE REFERRED TO IN FOREGOING
CERTIFICATE.

Name of County	Average Percentage of Variation
	Reduction
Antrim	18.9
Armagh	20.6
Carlow	17.0
Cavan	19.5
Clare	18.9
Cork	17.7
Donegal	18.1
Down	20.0
Dublin	14.7
Fermanagh	22.0
Galway	16.6
Kerry	21.4
Kildare	13.6
Kilkenny	14.2
King's County	13.3
Leitrim	21.0
Limerick	17.7
Londonderry	17.4
Longford	16.7
Louth	18.5
Mayo	14.2
Meath	12.5
Monaghan	21.8
Queen's County	16.6
Roscommon	16.8
Sligo	18.3
Tipperary	16.4
Tyrone	18.1
Waterford	17.7
Westmeath	14.8
Wexford	13.8
Wicklow	16.1

[*Seal of the*
Irish Land Commission.]

Increase of Rent and Mortgage Interest (War Restrictions) Rules (Ireland), 1916.

THE INCREASE OF RENT AND MORTGAGE INTEREST (WAR RESTRICTIONS) RULES, 1916, DATED 24TH MARCH, 1916, MADE BY THE LORD CHANCELLOR OF IRELAND UNDER THE INCREASE OF RENT AND MORTGAGE INTEREST (WAR RESTRICTIONS) ACT, 1915 (5 & 6 GEO. 5, C. 97).

Preliminary.

The following Rules under the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915 (in these Rules referred to as the Act), shall apply to the County Courts.

Rule 3 of these Rules, as to applications under the Courts (Emergency Powers) Act, 1914, shall apply also to the High Court; and the rules made under that Act shall have effect subject to that Rule.

These Rules may be cited as the Increase of Rent and Mortgage Interest (War Restrictions) Rules, 1916, and shall come into operation forthwith.

Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

Applications under Section 1, subsection 1, proviso (iii.); Section 1, subsection 4, proviso 2; or Section 2, subsection 3.

1.—An application to the county court under the Act—

(a) to determine any question as to the increase of rent of a dwelling house to which the Act applies, pursuant to proviso (iii.) to subsection 1 of section 1; or

(b) to apportion the rent of the property in which any dwelling house to which the Act applies is comprised, pursuant to subsection 3 of section 2,

may be made to the court of the county and division in which the dwelling house is situate.

2—(1) An application to the county court under the Act, pursuant to the second proviso to subsection 4 of section 1, may be made—

(a) to the court of the county and division in which the mortgaged property is situate; or

(b) to the court of the county and division in which the mortgagor resides or carries on business.

1.—Subject to the provisions of this Rule, the Courts (Emergency Powers) Rules, 1914, as to applications to the High Court or to the county court for leave to realize any security to which the Courts (Emergency Powers) Act, 1914, applies shall cease to apply to mortgages of leasehold interests to which the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, applies: and this Rule shall apply in lieu thereof.

(2) An application under the last preceding Rule for an order pursuant to the second proviso to subsection 4 of section 1 of the Act shall if and so far as an application for leave to realize the security is required under the Courts (Emergency Powers) Act, 1914, be deemed to be also an application for leave to realize the security under that Act, and no separate application under that Act shall be necessary.

(3) If during the progress of the proceedings on any such application it shall be made to appear to the court that the mortgage is one to which the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, does not apply, but that leave to realize or enforce the security is required under the Courts (Emergency Powers) Act, 1914, and that the amount of the principal sum secured by the mortgage does not exceed five hundred pounds, the application may proceed in the county court as an application for leave to realize the security under the last mentioned Act and the County Courts (Emergency Powers) Rules, 1914, and those rules shall apply accordingly; but if the amount of the principal sum secured by the mortgage exceeds five hundred pounds the application shall not proceed under the last mentioned Act, unless the respondent consents to the county courts having jurisdiction in the matter, in which case the court shall have jurisdiction to deal with the application as an application for leave to realize the security under the last mentioned Act and Rules, and those Rules shall apply accordingly.

(4) If it shall be made to appear to the court that the mortgage is one to which neither of the above mentioned Acts applies, the

application shall be dismissed or struck out, as the Judge in his discretion shall think fit.

4.—An application under the Act shall be made by notice of motion according to the form in the Appendix, entitled "In the Matter of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915," and setting out the full names and addresses of the applicant and the respondent.

5.—Duplicate copies of the notice shall be filed with the Clerk of the Peace three clear days before the return day, and each application shall be entered by him in the Equity Civil Bill book as if it were an equity civil bill.

Service and Substituted Service.

6.—(1) The notice shall be served on every person affected thereby six clear days at least before the first day of the Sessions at which the same is to be heard, unless the judge at any time gives leave for shorter service.

(2)—Service shall be effected in the manner prescribed for the service of equity civil bill by the County Courts (Ireland) Orders, 1890, or any amendment thereof; and the judge may make such order for substitution of service or deeming service already had to be good service as he shall think just.

Evidence in Support of Application.

7. No affidavit in support of the application shall be used, except by leave of the court, but the court shall hear oral evidence tendered by either party.

Power to hear Cases in Private.

8. The court may at any stage of the proceedings on an application under the Act order that the case shall thenceforward be heard in private.

[There is no rule numbered 9.]

Determination of Questions submitted.

10. On the hearing of the application, or at any adjournment thereof, the court, on proof of the service of the notice, if the respondent does not appear, shall make such order determination or order in the matter as the court shall think fit.

Power to impose Conditions.

11. On an application for an order under the second proviso to subsection 4 of section 1 of the Act, the court may, after considering all the circumstances of the case and the position of all the parties, make or refuse to make the order subject to such conditions as the court may think fit.

Certificates or Orders on Applications.

12.—When the court has given its decision on any application, a certificate of the determination of the court, or an order of the court (as the case may be) shall be signed by the judge and the Clerk of the Peace, and shall be issued to the party applying for the same; and in such certificate or order the judge shall give such directions as to the service of the certificate or order on any other party and as to the mode of service as he shall consider necessary.

Revocation or Variation of Orders.

13.—Any determination or order made under the Act and these Rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied by the court in which the determination or order was made, on application made on notice in writing in accordance with the County Court (Ireland) Orders, 1890, as amended by these Rules.

General Provisions as to Procedure on Applications.

14.—Subject to the provisions of the Act and these Rules the practice and procedure of the court in a civil bill, and in particular the practice and procedure with respect to subpoenas for witnesses, shall, with the necessary modifications, apply to proceedings on an application under the Act.

15.—(1) The following fees shall be payable in the County Courts, on applications under the Act and these Rules, viz. :—

s. d.

On an application for the determination of a question as to the increase of rent of a dwelling house—

6d. in the £ or part of a £,
calculated on 4 weeks' standard

rent of the dwelling house, but not exceeding	s. d.
On an application for the apportionment of rent	2 6
On an application for an order under the second proviso to sub-section 4 of section 1	10 0
	20 0

(2) On subpoenas for witnesses the fees payable under Order of the Treasury dated 11th March, 1878, shall be payable.

(3) The court may remit or excuse in whole or in part any fee paid or that should have been paid under this Rule.

Costs.

16.—(1) The costs of any application under the Act and these Rules shall be in the absolute discretion of the court.

(2) Where the amount does not exceed ten pounds, there may be allowed for all work done by a solicitor in relation to the application—

	s. d.
If the amount exceeds £2 but does not exceed £5	6 8
If the amount exceeds £5 but does not exceed £10	10 0

(3) The court may direct that any costs allowed shall be payable by the opposite party; and any order directing payment of costs shall be included in the certificate or order, and shall be enforceable in the same manner as an order for payment of costs made in a civil bill.

Forms.

17.—(1) The forms in the Appendix hereto, with such modifications as may be necessary, shall be used for notices, certificates, and orders under the Act and these Rules.

Applications for Rescissions or Variation of Orders under Sec. 1, subsec. 3.

18.—An application to the Court for the rescission or variation pursuant to sub-section 3 of section 1 of the Act, of an order for recovery of possession or ejection made but not executed before the passing of the Act, may be made on notice in writing in accordance with these Rules.

APPENDIX.

1.

Notice of Application under the Act.

In the County Court of

Division of

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

Between

A.B.

(address and description)

Applicant,

and

C.D.

(address and description)

Respondent.

SIR,

TAKE NOTICE that A.B. of (address and description) intends to apply to this Court at the Sessions to be held at in the said County on day the day of 19 in pursuance of

(set out with particularity the section and sub-section under which the application is made) of the Act for an order that

(set out fully the order that is sought)

[or for a certificate that (set out fully the certificate that is sought).]

And that for an order providing for the costs of this application.

AND FURTHER TAKE NOTICE, that if you do not attend in person or by your solicitor at the time and place above mentioned such proceedings will be taken and determination made as the Court may think just.

Dated this day of , 19

Signed by or on behalf of the above-named A.B.,

To (the respondent, naming him).

2.

Certificate on Application for Determination of any Question.

In the County Court of

Division of

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

Between

A.B.

(address and description)

Applicant,

and

C.D.

(address and description)

Respondent.

On the application of *(set out the applicant)* for *(set out terms of notice of motion)* and upon hearing *(set out the parties and witnesses sworn and affidavits read)*.

This Court doth pursuant to the above-mentioned Act determine—*(set out the determination)* (a), and it is ordered that the respondent C.D. [or the applicant A.B.] do pay to the applicant A.B. [or to the respondent C.D.] his costs of this application which are hereby allowed at the sum of £ for costs, and £ for witnesses' expenses, making together the sum of £ and the several sheriffs *(set out the ordinary order as to execution)*.

To *(the applicant and respondent, naming them)*.

Judge.

Clerk of the Peace.

Dated this day of 19

NOTE.—Orders of the court under the Act shall follow the above form *mutatis mutandis*.

NOTE FURTHER.—In a notice of application for suspension, discharge, or variation of a determination or order, add the following :

AND FURTHER TAKE NOTICE, that the grounds of my intended application are that the following circumstances have arisen since the date of the said determination [or order] which render it just, that the said determination [or order] should be suspended [discharged or varied], viz. :—

(here set out circumstances)

Dates of Examinations.

THE following are the dates of the May, 1916, Examinations :—

Preliminary—18th and 19th May (Notices to be lodged in Secretary's Office on or before 2nd May).

Final—24th, 25th and 26th May (Notices to be lodged in Secretary's Office on or before 8th May).

Easter Sittings Lectures.

SENIOR CLASS.

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

April 28.

May 2, 5, 9, 10 (Wednesday), 12, 16, 17 (Wednesday), 19, 23, 24 (Wednesday), 26 and 30.

JUNIOR CLASS.

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

April 27.

May 1, 4, 8, 11, 15, 18, 22, 25, 29, and 31 (Wednesday).

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.

