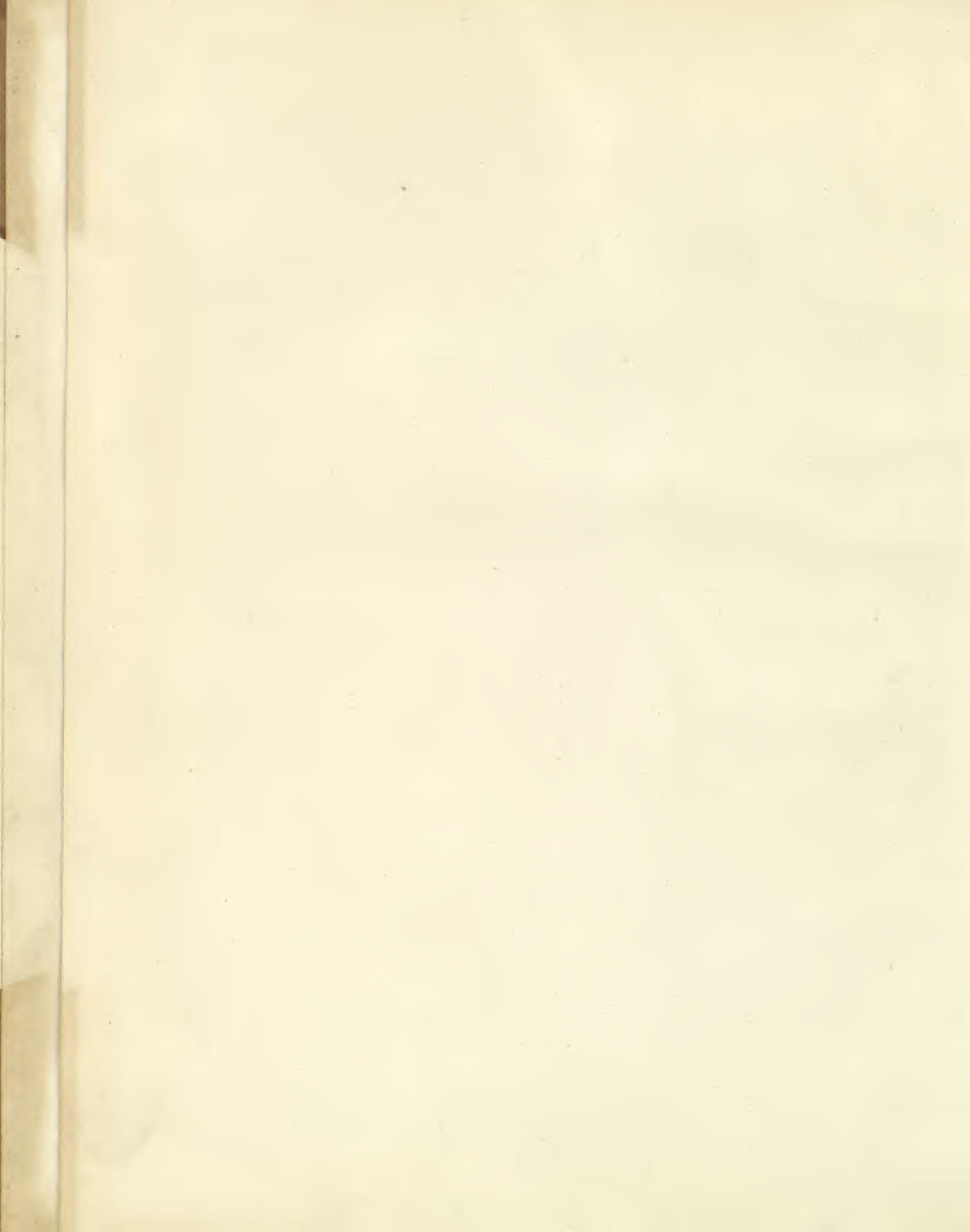
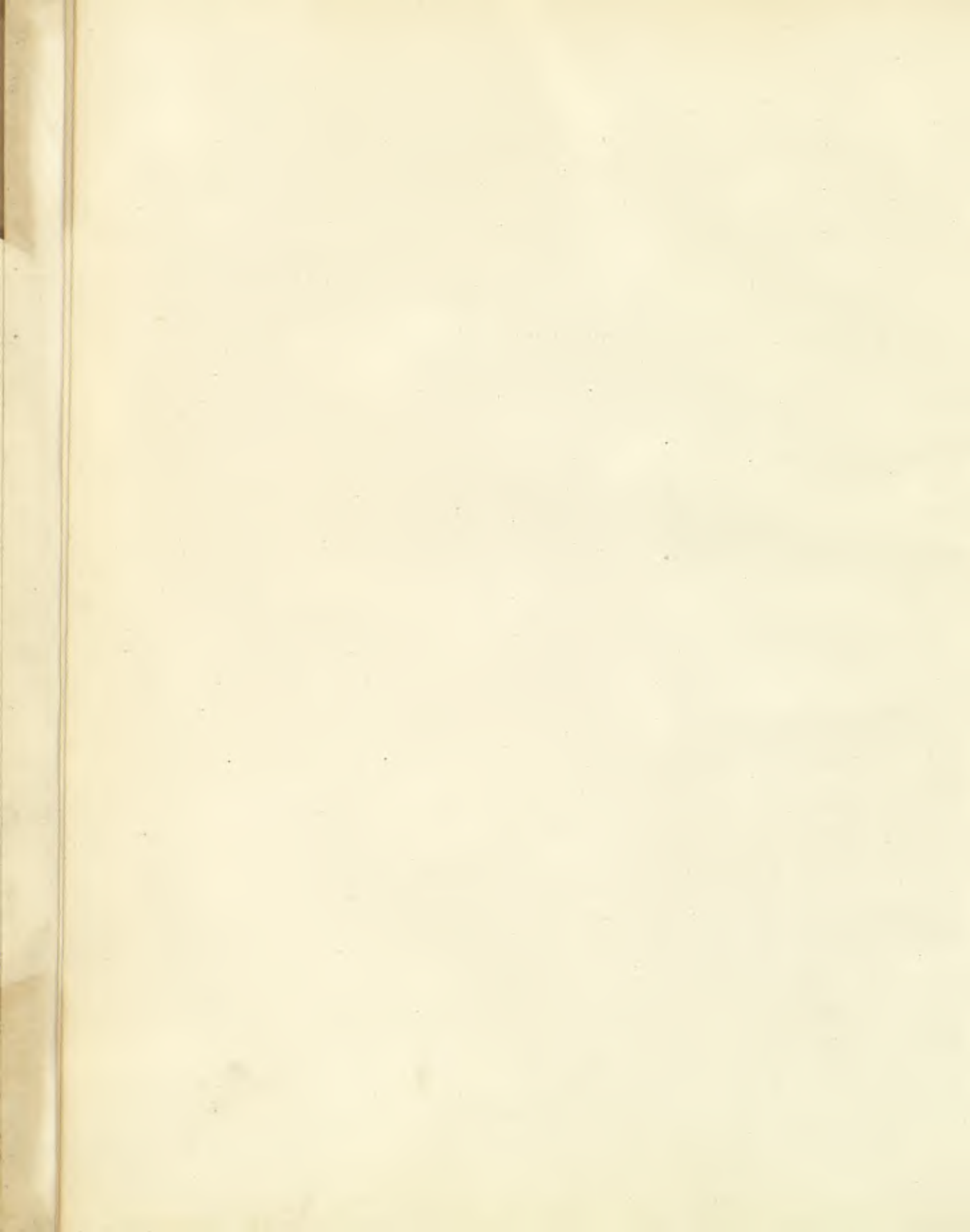


W. F. Ayward







THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin."

Telephones 2607 (2 lines).

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 1.]

May, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.

Annual Subscriptions.

MEMBERS are reminded that the annual subscription to the Society (£1, Town Members and such Country Members as vote at election of Ordinary Members of Council, 10s., other Country Members, and 10s. all members admitted to the profession less than three years) became due upon the 1st day of May, as well as annual press rent (5s.)

Half-Yearly General Meeting:

THE Half-yearly General Meeting of the Society will be held in the Hall of the Society, Solicitors' Buildings, Four Courts, Dublin, on Tuesday, the 16th day of May, 1911, to elect Auditors, to nominate Scrutineers of Ballot for Council to be held on 21st November, 1911, and to transact such further business as may come before the meeting. The chair will be taken at two o'clock, p.m.

New Members.

THE following joined the Society during April, 1911:—

Cronhelm, Theodore, 19 Eustace Street, Dublin.

Fahy, John V., Oldcastle.

Meeke, William C., 119 Stephen's Green, West, Dublin.

Meetings of the Council.

April 5th.

Irish Land Commission.

THE notice to Solicitors from the Irish Land Commission published in the Legal Diary

of 31st March, which stated that £5,000,000 purchase money awaited distribution and requested Solicitors to proceed without delay to have Schedules of Incumbrances settled and listed was considered, and as the Council came to the conclusion that such notice might leave an impression that there was general delay on the part of the Solicitors' profession, it was decided to ask Mr. Justice Wylie to receive a deputation from the Council upon the matter.

Record of Solicitors' Ages.

A letter from the Chief Secretary's Office asking if the Society had records showing the ages of Solicitors was read, and the Secretary was directed to reply that the Society had records which presumably contain the ages of Solicitors admitted since 1871, but that the Council would not feel at liberty to disclose the information without authority from each individual Solicitor in reference to whose age enquiry might be made.

Hospital Patients.

A letter was considered from the Honorary Secretary of the Royal Victoria Hospital, Belfast, stating that the Committee of the Hospital seek the co-operation of the Council in stopping the practice of persons visiting patients in the Hospital on behalf of Solicitors, and it was decided before dealing with the matter to communicate with the Northern Law Society.

Rating Appeals.

The attention of the Council was drawn by a member of the Society, who upon behalf

of a client had served notice seeking a re-valuation of premises in Dublin, to a letter received by his client from the Secretary (a Barrister) of the Irish Rate and Tax-payers' Association, stating the terms upon which a rating appeal would be conducted by his Society, and it was resolved that the subject should be brought to the notice of the Bar Council, with whom the Secretary was directed to communicate.

Costs Committee.

A report was adopted in which the Committee gave the following decision upon a query submitted :—

“ A purchaser's Solicitor is not entitled to any extra remuneration beyond the scale fee in respect his approval of a release, prepared by the Vendor's Solicitor, of an outstanding charge upon the property which the purchaser had agreed to purchase ; that the scale fee covers all the work done, and the purchaser's Solicitor is not entitled as of right to approve of a draft deed to which his client is not a party, and the submission of such draft is a matter of courtesy to facilitate the sale.”

Increment Value Duty.

The Costs Committee reported in reference to the requirement by the Inland Revenue, that a deed must be executed prior to presentation at the Custom House, Dublin, for obtaining one of the stamps mentioned in Section 4 of the Finance (1909-10) Act, 1910, that the Comptroller had stated that he could not see his way to alter this requirement.

April 21st.

Half-Yearly Accounts.

Cheques in discharge of the half-yearly accounts passed by the Finance Committee, were ordered to be drawn and paid.

Petty Sessions Proceedings.

Enquiries were directed to be made in reference to proceedings reported in the Press, from which it would appear that a

Company who were complainants were represented in Court by the Secretary.

Irish Land Commission.

A letter was read from Mr. Justice Wylie intimating that he would receive the proposed deputation from the Council, and the attention of members is called to the paragraph in this Gazette dealing further with this matter.

Labourers Acts.

A letter was read from the Local Government Board in reply stating that the Board hoped soon to send a communication relative to the costs of consents under the Labourers Acts.

Northern Law Society

Correspondence in reference to the application of the Northern Law Society to the Board of Trade for incorporation under the Companies (Consolidation) Act, 1908, was submitted, and it was ordered that the draft Memorandum and Articles of Association be submitted to Counsel.

Certificates.

Applications from two Solicitors for liberty to renew their annual certificates were submitted and were granted.

Costs Committee

A report was adopted in which the Committee gave the following decision upon a query submitted :—

“ The costs of a lease of premises for 800 years, in consideration of a fine of £150 and yearly rent of £55 clear of all deductions, the poor law valuation of the premises being £55, should be drawn under the scale applicable to long leases not at rack-rent.”

Council Meetings.

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

June 7th and 21st.

July 5th and 19th.

Committee Meetings.

THE following Committee meetings were held during April :—

Gazette, 5th.
Parliamentary, 10th.
Costs, 10th.
House, Library and Finance, 20th.
Land Act, 26th.

Commissioner to Administer Oaths.

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

Florence A. Greene, Solicitor, 11
Wellington Quay, Dublin.

Obituary.

MR. MICHAEL E. O'BEIRNE, Solicitor, died upon the 1st April, 1911, at Ashford, Co. Wicklow.

Mr. O'Beirne, who served his apprenticeship with his uncle, the late Mr. M. J. Hanmore, 2 Inns' Quay, Dublin, was admitted in Hilary Sittings, 1902, and practised at No. 2 Inns' Quay, Dublin, and at Bray, under the style of M. J. Hanmore, O'Beirne and Co.

Irish Land Commission.

LAND PURCHASE ACTS.

A deputation from the Council have had an interview with Mr. Justice Wylie in reference to the notice to Solicitors which appeared in the Legal Diary, upon the subject of having Schedules of Incumbrances settled and listed without delay. As a result of the discussion which took place at this interview, the Council draw the attention of members to the fact that purchase money amounting to over £4,300,000 has been paid into Bank (as to a very large portion thereof within the last few months) to credit of estates by the Land Commission, and waits allocation. Rulings on title have been issued in respect of this purchase money and with a view to securing an early allocation of it,

and to prevent applications for the shortening of times in notices prior to the Long Vacation, the Council would impress on members the desirability of having the queries on title discharged with all possible expedition and Final Schedules lodged, and in cases in which titles have not been lodged, which would appear to be the case in purchase money amounting to over £150,000 which has been brought to the credit of estates, it is essential that such titles be brought in at once, so as to enable the Land Commission to deal with and distribute such purchase money.

The Council think it well that the profession should also be informed that it is advantageous to lodge titles as soon as possible after the lodgments of agreements for sale, and not to wait until the receipt of notice that advances have been sanctioned.

New Solicitors.

ADMISSIONS DURING APRIL, 1911.

Name	Served Apprenticeship to
Galbraith, Hugh	Francis G. M'Keever, Drogheda.
Hayes, Thomas Herbert	William V. Seddall, 6 Westmoreland Street, Dublin.
Murray, Peter J.	Charles J. Murray, 30 Parliament Street, Dublin.

Intermediate Examination.

THE July Intermediate Examination for Apprentices will be held upon Monday, July 3rd (notice to be lodged on or before Friday, 16th June).

Trinity Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Trinity Sittings, 1911 :—

July 2, 6, 9, 13, 16, 20, 21, 23, 27, 30.

Lectures will be delivered to the Junior Class upon Common Law on the following dates in Trinity Sittings, 1911 :—

July 1, 8, 12, 14, 15, 19, 26, 28.

Solicitors' Apprentices' Debating Society.

MEETINGS during Trinity Sittings at eight o'clock, p.m., in Antient Concert Rooms.

June 5th.—Debate.—“That Free Trade is ruinous from a Fiscal point of view.”

June 12th.—Impromptu Speeches.

(Candidates for Offices for Session 1911-1912 to be nominated).

June 19th.—Legal Debate.—“That the case of *Amalgamated Railway Servants v. Osborne* (1910) A.C. 87, was wrongly decided.”

June 26th.—Essay Night.

(Result of Election of Officers for Session 1911-1912 to be declared).

Solicitors' Benevolent Association.

A meeting of the Directors was held upon 21st April.

The Secretary reported having received £26 5s. 0d. in annual subscriptions, an anonymous donation of £10, and a life subscription of £10 10s. 0d. from Mr. A. E.

Bradley (Vice-President of the Incorporated Law Society, since the previous meeting.

Grants amounting to £37 10s. 0d. were made to two applicants for relief.

Two new members joined, viz. :—

Mr. W. J. Ryan; Dublin.

Mr. John A. Pettit, Carrick-on-Shannon.

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 Ltd., 28 Dame Street, Dublin.

TO BE LET OR SOLD, No. 35, WESTLAND ROW,

Till recently the Secretary's Office of the Dublin and Kingstown Railway Company; one of the best houses in Westland Row, adjoining Royal Irish Academy of Music, subject to the yearly fee-farm rent of £38 15s. 4d. per annum. Immediate possession. Strong room (fireproof), good rear, coach house and stabling, rear entrance, good modern sewerage.

For further particulars apply to :—

BARRINGTON & SON,

Solicitors,

10, ELY PLACE, DUBLIN.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 2.]

June, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly Meeting.

THE Half-yearly General Meeting of the Society was held in the Hall of the Society, the Solicitors' Buildings, Four Courts, on Tuesday, 16th May. The chair was occupied by Mr. Frederick W. Meredith, President; and the following members were present:—

A. E. Bradley (Vice-President), R. A. Macnamara, W. J. Shannon, Sir George Roche, G. Collins, Gerald Byrne, C. St. G. Orpen, W. V. Seddall, J. W. Richards, J. A. Denning, G. H. Lyster, H. J. Synnott, C. A. Stanuell, I. J. Rice, Jas. Henry, R. B. White, C. G. Gamble, A. Lloyd-Blood, A. V. Montgomery, P. K. White, H. J. M'Cormick, H. D. Draper, G. de R. Engelbach, G. M. Meares, John O'Sullivan, Florence Greene, Edward S. Lowe, W. J. Brett, D. A. Quaid, Patrick Rooney, H. C. Neilson, jun.; W. D. Sainsbury, A. G. Joyce, J. P. Tyndall, David Dunne, Elliott M'Neill; M. C. O'Halloran, Basil Thompson, Edward Condell, J. P. Collins, C. G. Thompson, R. A. O'Brien, B. G. Barton, N. L. Moran, H. R. Maunsell, Samuel Kerr, Sydney M. Bell, Ernest S. Lowe, A. H. Burns, R. W. MacNeice, J. J. Cartan, E. R. Bate, James Brady, R. J. Dodd, jun.; John Read, Wm. Read, W. G. Armstrong, G. M. Collins.

The Minutes of the Half-yearly General Meeting held upon 28th November, 1910, having been read by the Secretary (Mr. W. G. Wakely), and confirmed, the President nominated the following members of the Society to act as Scrutineers of ballot for Council to be held upon 21st November next:—Mr. J. J. Cartan, Mr. E. N. Edwards, Mr. W. Geoghegan, Mr. J. G. Perry, and Mr. P. K. White.

On the motion of Mr. A. E. Bradley, seconded by Mr. James Henry, it was resolved that Mr. W. W. Carruthers, Mr. F. Gifford, and Mr. D. B. Dunne be appointed Auditors of the Society's Accounts for the year ending 30th April last.

The business, for which the meeting was summoned in compliance with the Bye-Laws, having concluded, the President stated that there was no further business to come before the meeting, and the proceedings terminated.

New Members.

THE following joined the Society during May, 1911:—

Furlong, Peter C., 36 Westmoreland Street, Dublin.

Hayes, Thomas H., 6 Westmoreland Street, Dublin.

Rogers, James, Tullamore.

Rolleston, A. F., Maryborough.

Russell, Wm., Downpatrick.

Coronation and Visit of Their Majesties the King and Queen to Ireland.

COURT HOLIDAYS.

THE several Offices of the Supreme Court of Judicature in Ireland will be closed upon Thursday, Friday, and Saturday, the 22nd, 23rd, and 24th days of June, 1911; and also upon Saturday and Monday, the 8th and 10th days of July, 1911.

Meetings of the Council.

May 3rd.

Crown Duties.

A letter was read from the Assistant Secretary of the Estates Duty Office enclosing, for the approval of the Council, an amended form of notice relative to the payment of Crown Duties out of funds in Court. The necessity of amending the form has arisen from the fact that it will not be requisite in future to have pay orders for death duties which have been issued by the Accountant-General and by the Accountant of the Irish Land Commission, to be endorsed by the Bank of Ireland before these orders can be dealt with by the Collector of Customs and Excise. The notice was referred to the Costs Committee.

Country Offices.

A letter was read from a country member drawing attention to the practice of Country Solicitors keeping more than one office, and asking the Council to adopt some measure which will prevent the working of such offices with a permanent staff without a duly qualified Solicitor being in charge, becoming more prevalent. The Council, having considered the matter, came to the conclusion that it was one in which they could not interfere.

Petty Sessions Proceedings.

A letter was directed to be written to the Secretary of a Company requesting from him an explanation of his action in appearing in proceedings at the suit of his Company at Petty Sessions without legal assistance.

Guaranteed Stock.

A memorandum, prepared by the Land Act Committee, in reference to the loss incurred by vendors through the sale of immature Guaranteed Stock, was considered, and was referred back to the Committee for final settlement. The memorandum, as finally settled, appears in this GAZETTE, and it will be found to explain that Guaranteed Stock carries interest from the date of its creation till the next accruing gale day, and from that day it carries dividend, and while it carries interest it is described as immature Stock, and its sale during that period involves

considerable loss to its vendor. The memorandum suggests an arrangement for obviating this loss.

Stamp Duties.

A letter was read from the Incorporated Society of Law Agents in Scotland enquiring if the Council intend to take steps in support of having the existing Stamp Duties on Conveyances and Leases reduced to the amounts fixed by the Stamp Act of 1891, as the increased amounts fixed by the Finance (1909-10) Act, 1910, are injurious to the sale and leasing, of property. A reply was directed sending the resolutions passed by the Council on this subject in 1909 and then circulated amongst Members of Parliament, and stating that at present the Council consider any action such as suggested would be futile.

Court of Examiners.

An application by a Law Clerk for liberty to be bound for three years under Section 16, and a report thereon from the Court of Examiners, were considered, and the application was refused.

Registration of Title.

A letter was read from a member drawing attention to delay in the registration of a deed of charge. It was resolved to write to the Registrar of Titles upon the subject.

May 17th.

Coronation of Their Majesties.

The President informed the Council that he had been honoured with an invitation to be present in Westminster Abbey upon the occasion of the Coronation of Their Majesties King George V. and Queen Mary, upon 22nd June.

Registration of Title.

A letter in reply was read from the Registrar of Titles to the effect that every effort was made to avoid delay, but that owing to insufficiency of accommodation for a staff adequate to cope with the work of the office, occasional delays must occur.

Hospital Patients.

A letter in reply was read from the Northern Law Society stating that they had appointed a Sub-Committee to confer with the Committee of the Victoria Hospital, Belfast, relative to visits paid to patients by persons who alleged that they came upon behalf of Solicitors with a view to obtaining their instructions to act for them in legal proceedings, to which matter the Hospital Committee had drawn the attention of the Council.

Certificate.

An application by a Solicitor for liberty to renew his annual certificate was submitted, and was granted.

Costs Committee.

The following decisions upon queries were adopted:—

1. "The costs of grants of Letters of Administration to deceased owners of judgments registered against lands, obtained for the purpose of making title to such judgments upon their being paid off, are not chargeable against the owner of the lands."
2. "A Solicitor for a Vendor, who also approves of the purchase deed upon behalf of a judgment mortgagee who is a party to the deed, is entitled to be paid by the vendor the sum of £2 for such approval, in addition to the scale fee on the purchase."

Council Meetings.

MEETINGS of the Council will be held upon
June 7th and 28th.
July 12th and 26th.

Committee Meetings.

THE following Committee meetings were held during May:—

- Court of Examiners, 1st.
- Gazette, 8th.
- Land Act, 8th.
- Costs, 12th and 30th.

Legal Appointment.

THE Lord Lieutenant has appointed Mr. Francis Faris Cullinan, of Ennis, and 12 Trinity Street, Dublin, to be Crown Solicitor for the County of Clare, in the room of Mr. John Cullinan, resigned.

Commissioners to Administer Oaths

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

- James A. Aiken, Clerk of Petty Sessions, Kesh, Co. Fermanagh.
- Richard Jackson, Bank Manager, Charleville, Co. Cork.

Obituary.

MR. JOHN PLUNKETT, Solicitor, Dublin, died upon the 24th May, 1911, at his residence, 31 York Road, Rathmines, Co. Dublin.

Mr. Plunkett, who served his apprenticeship with the late Mr. Ambrose Plunkett, and with Mr. John O'Sullivan, 22 Wellington Quay, Dublin, was admitted in Trinity Sittings, 1904, and practised at 22 Wellington Quay, Dublin, in partnership with Mr. John O'Sullivan (who carries on the business), under the style of Ambrose Plunkett and Co.

Solicitor Seeking Call to the Bar.

THE Statutory Committee having reported upon the application of Mr. Arthur Coughlan, Solicitor, to have his name struck off the Roll in order to enter as a law student of the King's Inns, with a view to seeking call to the Bar, the Lord Chancellor has made an order in compliance with the recommendation contained in the report of the Committee, directing the name to be struck off the Roll at the request of the applicant.

Mr. Coughlan was admitted in Hilary Sittings, 1901, and practised at Mitchelstown, Co. Cork.

Irish Land Act, 1909.

MEMORANDUM BY THE COUNCIL IN REFERENCE TO SALE OF IMMATURE GUARANTEED $2\frac{3}{4}$ PER CENT. STOCK AND IMMATURE GUARANTEED 3 PER CENT. STOCK.

Guaranteed $2\frac{3}{4}$ per cent. Stock created under the Irish Land Act, 1909, is described as either "Immature" or "Mature."

(A) "*Immature*" is the description applicable to the Stock between the date of its creation and the date of the dividend day next after its creation, and during that period interest, and not dividend, is payable upon it. From and after the dividend day first ensuing after its creation, the regular half-yearly dividend begins to accrue.

The interest which accrues during the Immature period is paid by the National Debt Commissioners to the Land Commission to the credit of the particular estate in respect of which Stock was created, and that interest is the property of the original allottee of the Stock, and is at the rate at which the Stock subsequently bears dividend. When, therefore, Immature Stock is sold, a dividend for the benefit of the purchaser does not begin to accrue until the dividend day next after the creation of the Stock: in other words, the purchaser buys it "*ex dividend*" for the half-year in which the Stock was created.

(B) "*Mature*," on the other hand, is the description applicable to the Stock from and after the date of the dividend day first ensuing after its creation, and it carries regular half-yearly dividends from that date, and when sold carries a dividend to a purchaser from the previous 1st January or 1st July, as the case may be.

As Immature Stock only becomes Mature on passing a gale day, it follows that the actual *difference in value* between the two classes of Stock ought to be the amount of one half-year's dividend, or £1 7s. 6d. per cent. Immature Stock, being non-dividend paying, is not available by trustees as an investment, and, under a Treasury Regulation, this class of Stock is not inscribed in the books of the Bank of England, thus restricting the market for this Stock to Ireland. For these reasons principally, it is difficult to market the Immature Stock, and

the result is that its market price is considerably depreciated. The *difference in price* between Mature and Immature Stock, instead of being £1 7s. 6d. per cent., is, in practice, £2 5s. 0d. per cent., and sometimes more.

From the foregoing it will be seen that a considerable loss is incurred by selling Immature Stock.

A somewhat similar difficulty arose with regard to the $2\frac{3}{4}$ per cent. Guaranteed Land Stock (redeemable 1921) issued under the Purchase of Land (Ireland) Act, 1891. This Stock was also Immature from the date of its creation until the following dividend day. There was practically no market for it for some years, and the usual manner in which it was realised was, by first exchanging it for $2\frac{3}{4}$ per cent. Consols (dividend reducible to $2\frac{1}{2}$ per cent. in 1903) in pursuance of a power in the Act of 1891. It is understood that, where Immature Stock issued under the Act of 1891 was exchanged for Consols, the dividend on the Consols was made good (a) by the Land Commission, out of the selling estate, by a transfer to the Bank of Ireland of an amount of the accruing interest on the Immature Stock equal to the dividend, and, when the interest was insufficient, the deficit was paid out of the proceeds of the sale of the Consols; or (b) in the majority of cases, by the Stock-holder himself or his broker, paying into the Bank of Ireland in cash the full amount of the dividend.

A similar arrangement might now be made between the Treasury, the Land Commission, and the Bank of Ireland, which should apply not only to the Guaranteed $2\frac{3}{4}$ per cent. Stock issued under the Irish Land Act, 1909, but also to the Guaranteed 3 per cent. Stock issued under the same Act.

The Council suggest:—

That the National Debt Commissioners should authorise the Bank of Ireland to convert, at the request of the Irish Land Commission, Immature Stock into Mature Stock on payment to the Bank of the full half-year's dividend on the Stock; such dividend to be provided out of the proceeds of the sale of the Stock.

From enquiries made at the Bank of Ireland it would appear that there will be no difficulty

made at the Bank, in carrying out the proposed arrangement, if approved by the National Debt Commissioners and the Irish Land Commission.

Sales under the Land Purchase Acts will, in future, to a large and increasing extent, be financed in Stock; and sales of Immature Stock must, of necessity, become more frequent. The redemption prices of superior interests, charges, incumbrances, and expenses of sale must all be paid in cash by Vendors, and the majority of Estates sold are so charged and incumbered, that Vendors cannot afford to continue paying high rates of interest and to delay allocation until the Stock matures.

The Estates Commissioners' financial year ends on the 31st day of March, and a very large number of advances to tenants are made in February and March. A large portion—probably one half—of these advances is made in Stock which will not become mature until the following 1st July. It is clear, therefore, that a Vendor who wishes to realise Stock to the best advantage will not allocate his purchase money until the 1st July, or certainly not before the 1st of June.

Copies of the above Memorandum have been sent to the Secretary of the Treasury, the Chief Secretary for Ireland, the Irish Land Commission and the Bank of Ireland.

Land Purchase (Ireland) Acts.

PUBLIC TRUSTEE.

THE following Question and Answer appear in the Parliamentary Papers:—

Q. Mr. Fetherstonhaugh.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, what is the total amount of the trust funds now vested in the Public Trustee, Ireland; and to how many different trusts do these funds belong. [24th May, 1911.]

A. Mr. Birrell.—The trust funds vested in the Public Trustee, Ireland, since the passing of the Land Act of 1903 amount to £557,612. The number of estates to which these trusts belong is 87. [24th May, 1911.]

Irish Land Commission.

FAIR RENT APPEALS.

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.
	1911	
Dublin ...	June 15th	Leinster (part of).
Limerick ...	„ 27th	Co. Limerick.
Killarney ...	„ 29th	Co. Kerry (part of)
Dingle ...	„ 30th	Co. Kerry (part of)

Summer Assizes.

NORTH-EAST CIRCUIT.

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

Co. Louth.—At Dundalk, on Monday, July 3rd, at 11 o'clock.

Co. Monaghan.—At Monaghan, on Wednesday, July 5th, at 11 o'clock.

Co. Armagh.—At Armagh, on Friday, July 7th, at 11 o'clock.

Co. Down.—At Downpatrick, on Thursday, July 13th, at 12 o'clock.

Co. Antrim.—At Belfast, on Monday, July 17th, at 12 o'clock.

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

Judges—Mr. Justice Boyd and Mr. Justice Dodd.

Registrars—R. R. Boyd, Howth House, Howth, and Huston Dodd, 94 Marlborough road, Donnybrook, Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—At Mullingar, on Saturday, July 1st, at 11.30 o'clock.

Co. Longford.—At Longford, on Monday, July 3rd, at 12.30 o'clock.

Co. Cavan.—At Cavan, on Wednesday, July 5th, at 11 o'clock.

Co. Fermanagh.—At Enniskillen, on Friday, July 7th, at 11 o'clock.

Co. Tyrone.—At Omagh, on Tuesday, July 11th, at 11 o'clock.

Co. Donegal.—At Lifford, on Friday, July 14th, at 11 o'clock.

Co. Londonderry.—At Londonderry, on Tuesday, July 18th, at 11.30 o'clock.

Co. of the City of Londonderry.—At Londonderry, on Wednesday, July 19th, at 10.30 o'clock.

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

Registrars—Mr. Francis Kennedy, Marino Park, Blackrock, Co. Dublin, and Mr. Valentine Holmes, 33 Trinity College, Dublin.

LEINSTER CIRCUIT.

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

Co. Wexford.—At Wexford, on Monday, July 3rd, at 3.15 o'clock.

Co. Waterford.—At Waterford, on Tuesday, July 4th, at 12 o'clock.

Co. of the City of Waterford.—At Waterford, on Tuesday, July 4th, at 12 o'clock.

Co. Tipperary (S.R.)—At Clonmel, on Thursday, July 6th, at 1 o'clock.

Co. Tipperary (N.R.)—At Nenagh, on Wednesday, July 12th, at 1 o'clock.

Queen's Co.—At Maryborough, on Friday, July 14th, at 11.30 o'clock.

City and Co. of Kilkenny.—At Kilkenny, on Monday, July 17th, at 12.30 o'clock.

Co. Carlow.—At Carlow, on Wednesday, July 19th, at 11 o'clock.

Co. Kildare.—At Naas, on Thursday, July 20th, at 11 o'clock.

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

Registrars—Mr. Cholmondeley Clarke, Airfield, Donnybrook; Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

CONNAUGHT CIRCUIT.

King's County.—At Tullamore, on Saturday, July 1st, at 11.30 o'clock.

Co. Leitrim.—At Carrick-on-Shannon, on Monday, July 3rd, at 2 o'clock.

Co. Sligo.—At Sligo, on Thursday, July 6th, at 11.30 o'clock.

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

Co. Mayo.—At Castlebar, on Friday, July 14th, at 12 o'clock.

Co. Galway.—At Galway, on Tuesday, July 18th, at 11 o'clock.

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

Registrars—The Hon. E. Gibson, 30 Fitzwilliam place, Dublin; Mr. W. H. Atkinson, Nutley, Booterstown, Co. Dublin.

MUNSTER CIRCUIT.

Co. Clare.—At Ennis, on Saturday, July 1st, at 11 o'clock.

Co. Limerick.—At Limerick, on Wednesday, July 5th, at 11 o'clock.

Co. of the City of Limerick.—At Limerick, on Wednesday, July 5th, at 11 o'clock.

Co. Kerry.—At Tralee, on Wednesday, July 12th, at 12 o'clock.

Co. Cork.—At Cork, on Tuesday, July 18th, at 11 o'clock.

Co. of the City of Cork.—At Cork, on Thursday, July 20th, at 10.30 o'clock.

Judges—Lord Justice Cherry and Mr. Justice Wright.

Registrars—Mr. J. Briscoe Cherry, 92 Stephen's Green, Dublin; Mr. G. W. Wright, 1 Fitzwilliam Square, Dublin.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Joyce, J.)

EDMONDSON v. COPLAND.

May 9, 1911.—*Mortgage—Paying off mortgage debt—Notice by Mortgagee to Mortgagor to repay principal—Failure by Mortgagor to repay money on day named—Liability of Mortgagor for six months' interest.*

THIS case raised a question of some importance in the practice relating to mortgages, viz.: whether, where the mortgagee has given notice to the mortgagor to pay off the mortgage, and the mortgagor has failed to do so on the date named, but immediately afterwards has tendered the mortgage money

and interest, which tender has been improperly refused; the mortgagor is liable to pay interest for a further period of six months, although he has been all along ready and willing to pay the principal.

It appeared that on December 9, 1909, the defendant, the mortgagee, gave notice to the mortgagor's Solicitors to pay off the mortgage; the notice was in the ordinary form, and would expire on March 9, 1910. Before the arrival of that date correspondence took place between the Solicitors of the parties with reference to the draft re-assignment and its execution, and in the result the matter was not completed on March 9. On March 16, however, the mortgagor and his solicitor attended at the office of the mortgagee's Solicitor and formally tendered the mortgage money and interest to date.

The tender was not accepted, the mortgagee's Solicitor setting up the contention that as repayment was not made on March 9, 1910, the mortgagor was not entitled to pay off without giving a further six months' notice or paying six months' interest in lieu of such notice. As this was insisted upon on behalf of the mortgagee, the mortgagor, on May 18, 1910, took out an originating summons for redemption. On July 8 the common order was made. On January 27, 1911, the Master made his certificate, finding what was due upon the mortgage on March 16, 1910, and that a legal tender of the sum named was made on that date by the mortgagor and refused by the mortgagee, and fixing February 27, 1911; as the time for payment at the Royal Courts of Justice. On January 31 the defendant took out a summons to vary the certificate by adding to the sum found due by the Master a further six months' interest, and by reversing the finding of the Master that a legal tender had been made on March 16, 1910.

This was the application now before the Court, and it was arranged at the hearing that his Lordship should by his judgment finally dispose of the action.

Mr. Justice Joyce held that where such a notice was given or demand made as in the present case, the mere failure to pay within or on the day of the expiration of the three months did not render the mortgagor liable to pay an additional six months' interest or anything of the kind. His Lordship also held

that, in order to avoid payment of interest after tender improperly rejected, the mortgagor must either pay the money into Court, if there was any proceeding in which that could be done; or keep the money ready, and either make no profit of it, or if he had made a profit—e.g., by getting interest from a banker—he must account for such profit to the mortgagee.

(Reported *The Times Law Reports*, Vol. xxvii., p. 446).

COURT OF APPEAL (ENGLAND).

(Before Cozens-Hardy, M.R.; Buckley and Kennedy, L.JJ.)

West v. Gwynne.

May 10, 1911.—*Landlord and Tenant—Lease—Licence to assign—Exaction of fine—Conveyancing and Law of Property Act, 1892.*

THIS was an appeal from a decision of Mr. Justice Joyce. The question for decision related to the operation of Section 3 of the Conveyancing Act, 1892, viz.: whether it applies to leases executed before as well as after the passing of the Act. The plaintiffs were assignees of certain leasehold premises demised by the defendant by lease dated July 31, 1874, for a term of 94½ years from March 25, 1874. The lease contained a covenant by the lessees against assigning or sub-letting without the written consent of the defendant, and also the usual proviso for re-entry on breach of any of the lessees' covenants and the usual lessor's covenant for quiet enjoyment. The plaintiffs had applied to the defendant for his consent to a proposed underlease for 21 years of part of the demised premises, but the defendant was only prepared to grant a licence to underlet on condition that he should receive for himself one-half of the surplus rental to be obtained by the plaintiffs in respect of the demised premises over and above the rent payable under the lease. The plaintiffs claimed a declaration that the defendant was not entitled to impose the condition, and a further declaration that in the circumstances the plaintiffs were entitled to grant the proposed underlease on the terms approved by the defendant other than the said condition. The defendant contended that Section 3 of the Conveyancing and Law of Property Act,

1892, did not apply to leases granted before the commencement of the Act.

Mr Justice Joyce held that Section 3 of the Act of 1892 was intended to apply to every lease, both existing and future, so as, in effect, as from the commencement of the Act and in the absence of an express provision to the contrary, to engraft upon each lease a very plain enactment to which proper effect must be given, and that the objection taken by the defendant failed; and he accordingly made the declaratory order asked for.

The Master of the Rolls gave judgment dismissing the appeal, holding that Section 3 is a general enactment based on grounds of public policy, and declining to construe it in such a way as to render it inoperative for many years wherever leases for 99 years, or it may be for 999 years, are in existence; and also holding that the effect of the refusal of the landlord to give his consent except on payment of a fine was to relieve the lessee from obtaining the lessor's consent.

The Lords Justices concurred.

(Reported *The Times Law Reports*, Vol. xxvii., page 444).

New Solicitors.

ADMISSIONS DURING MAY, 1911.

Name	Served Apprenticeship to
Moon, James Thomas ...	W J. Brett, Dublin.
Skeffington, John ...	Messrs. Shean and Dickson, Belfast.

Intermediate Examination.

THE July Intermediate Examination for Apprentices will be held upon Monday, July 3rd (notice to be lodged on or before Friday, 16th June).

Trinity Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Trinity Sittings, 1911:—

June 2, 6, 9, 13, 16, 20, 21 (Wednesday), 27, 30.

Lectures will be delivered to the Junior Class upon Common Law on the following dates in Trinity Sittings, 1911:—

June 1, 8, 12, 15, 19, 26, 28 (Wednesday) 29.

NOTE.—In consequence of the Coronation of Their Majesties, there will not be lectures on the 22nd nor on the 23rd June, but the Junior Class will get credit for attendance at a lecture on the 22nd, and the Senior Class for attendance at a lecture on 23rd.

Solicitors' Apprentices' Debating Society.

MEETINGS during Trinity Sittings at eight o'clock, p.m., in Antient Concert Rooms.

June 5th.—Debate.—“That Free Trade is ruinous from a Fiscal point of view.”

June 12th.—Impromptu Speeches.

(Candidates for Offices for Session 1911-1912 to be nominated).

June 19th.—Legal Debate.—“That the case of *Amalgamated Railway Servants v. Osborne* (1910) A.C. 87, was wrongly decided.”

June 26th.—Essay Night.

(Result of Election of Officers for Session 1911-1912 to be declared).

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 Ltd., 28 Dame Street, Dublin.

THE GAZETTE

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Telegrams: "Law Society, Dublin."

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 3.]

July, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

June 7th.

Northern Law Society.

A letter was read from the Hon. Secretary of the Northern Law Society enclosing a final proof of the Memorandum and Articles of Association for incorporating the Northern Law Society under the Companies (Consolidation) Act, 1908, which was considered satisfactory, as the amendments suggested by the Council had been adopted.

Petty Sessions Proceedings.

The Council decided to submit a case to Counsel relative to the right of representation in Petty Sessions Court of a Company by its Secretary in a case in which the Company was complainant.

Finance Bill, 1911.

This Bill was submitted, and it was observed that Clause 9 provides for the transfer of Government Stock by deed, which carries out a procedure advocated by the Council for some time past. The clause is in the following terms:—

“9.—(1) Notwithstanding anything in section twenty-two of the National Debt Act, 1870, any stock belonging to a stockholder shall, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferable by deed instead of in the manner provided by that section.

“The Treasury shall provide by regulations for a separate stock register being kept for

“stock which is for the time being transferable by deed, for the conditions upon which stock is to be entered in or removed from that register, for the mode in which the transfer by deed is to be carried out, and for the payment of any fees in respect of the entry or removal of stock from the register and the carrying out of any transfer of stock by deed.

“(2) No stamp duty shall be payable in respect of any deed of transfer of the stock.

“(3) In this section the expression ‘stock’ means any stock which is for the time being transferable in the books of the Banks of England and Ireland under the National Debt Act, 1870.”

Court of Examiners.

The report of the Court of Examiners upon the May Preliminary and Final Examinations and awards of prizes was adopted.

Findlater Scholarship.

The report of the Court of Examiners recommending a special examination for the Findlater Scholarship of 1911, to be held in October next, was adopted. Those candidates who, at the October, 1910, and the January and May, 1911, Final Examinations, obtained gold or silver medals are qualified to compete for the Scholarship.

Costs Committee.

The following decision upon a query was adopted:—A lease having been made for a term of 30 years at a yearly rent of £115 of lands portion of which were held by the lessor

subject to an annuity payable to the Land Commission, the Solicitor for the lessor claimed remuneration from the lessee in addition to the scale fee on the lease, in respect of the cost of obtaining the consent of the Land Commission to the making of the lease.

The Council held that the lessee is not liable to pay the additional remuneration claimed.

June 28th.

Coronation.

The President informed the Council that, in obedience to the King's command, he had attended in Westminster Abbey at the Coronation of Their Majesties King George V. and Queen Mary, upon June 22nd.

Examiners and Professors.

The Council re-appointed Mr. Charles H. Denroche, B.A., LL.D., R.U.I., Solicitor; and Mr. Frank V. Gordon, B.A., ex-Scholar, T.C.D., Solicitor, as Special Examiners for 1912; and also re-appointed Mr. Thomas G. Quirke, B.A., LL.D., R.U.I., Solicitor, as Professor of Real Property, Equity and Conveyancing; and Mr. Frederick G. Sharpe, LL.D., T.C.D., Solicitor, as Professor of Common Law, for 1911-12.

Labourers Acts.

A letter was read from the Local Government Board in reply to the letter of 7th February, 1911, from the Council, in reference to the liability of District Councils to owners of lands for the costs of consents necessary to be filed in the Land Commission where agreements have been entered into for sale of the lands under the Land Purchase Acts, and portion of the lands agreed to be sold has been acquired under the Labourers Acts. The Board suggested in their letter that it is desirable that a decision of a Court of law on the point should be sought in some particular cases. The letter was referred to the Costs Committee, with power to further consult Counsel.

Labourers Acts.

A letter was read from a country member giving particulars of a case in which he acted for judicial tenants and furnished title in February, 1910, the compensation having

been paid in the following month, and having furnished to the District Council his costs, the District Council refused to send them on to the Taxing Officer, as they contended he was entitled to the fee of half a guinea and no more, for each title furnished. A reply was directed stating the steps which the Council suggested should be forthwith taken.

Land Commission.

A letter in reply was read from the Irish Land Commission stating that if the Council approved, the Commission would apply for the installation at the Examiners' Offices in 18 Nassau Street of a telephone on the penny-in-the-slot system. It was decided to ask the Commission to make the application suggested.

Certificate.

An application by a Solicitor for his first annual certificate was submitted and was granted.

Supreme Court Rule.

The President submitted a copy of a new Order of the Supreme Court which, as a member of the rule-making authority, he had signed. The President stated that he had suggested certain amendments in the Order as drafted, and that those amendments had been adopted. The Order lays down the procedure to be followed where a Court of a foreign country transmits to the Supreme Court, by His Majesty's Secretary of State for Foreign Affairs, any process or citation for service on any person in Ireland. The Order appears in this GAZETTE.

Land Commission Rule.

The President submitted a letter he had received from the Irish Land Commission enclosing draft rule in reference to claimant's costs of proof in cases of superior or intervening interests where the redemption price does not exceed £100. The President stated the suggestions he had made to the Land Commission for amending the draft rule, and that these suggestions had been adopted; and the Council expressed approval of the draft rule so amended. The rule has been issued, and appears in this GAZETTE.

New Members.

THE following joined the Society during June, 1911 :—

- Collins, John H., Newry.
- Dillon, John P., 122 Stephen's Green, Dublin.
- Tierney Martin, Cavan.

Council Meetings.

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

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

Committee Meetings.

THE following Committee meetings were held during June :—

- Court of Examiners, 6th.
- Special Committee—Address to His Majesty the King, 8th.
- Gazette, 12th.

Commissioner to Administer Oaths.

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

- Edgar W. Youell, Clerk of Petty Sessions, Ballinamore, Co. Leitrim.

Obituary.

MR. RICHARD McNAMARA, Solicitor, Limerick, died upon the 26th June, 1911, at his residence, Corbally, Limerick.

Mr. McNamara, who served his apprenticeship with the late Mr. John O'Donnell, Rosevilla, Limerick, was admitted in Easter Term, 1868, and practised at Limerick.

Labourers (Ireland) Act, 1906.

AT the Lifford Quarter Sessions, held last month, His Honour Judge Cooke, granted a decree for two guineas against the Dunfanaghy District Council in respect of the costs of Mr. Edward McFadden, Solicitor, for furnishing, prior to the 6th October, 1910 (the date of the Labourers (Ireland) Order, 1910), the title of Edward McGinley, a judicial yearly tenant, to land acquired from him by the District Council for the purposes

of the Act. At the same Sessions Mr. Edward McFadden claimed four guineas for furnishing, prior to the 6th October, 1910, to the same Council title to two plots acquired from his client, Bernard Friel, a judicial yearly tenant. His Honour granted a decree for two guineas, holding that the two plots being held under the one title, the one fee only should be paid.

Rules of the Supreme Court (Ireland).

THESE Rules may be cited as the Rules of the Supreme Court (June), 1911, and each Rule may be cited by the heading thereof with reference to the Rules of the Supreme Court (Ireland), 1905.

ORDER XXXVII. RULE 47.

LETTER OF REQUEST.

1. Where in any civil or commercial matter pending before a Court or tribunal of a foreign country a letter of request from such Court or tribunal for service on any person in Ireland of any process or citation in such matter is transmitted to the Supreme Court by His Majesty's Secretary of State for Foreign Affairs, with an intimation that it is desirable that effect should be given to the same, the following procedure shall be adopted :—

(1.) The Letter of Request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or citation to be served, and two copies thereof in the English language.

(2.) Service of the process or citation shall be effected in accordance with the practice and procedure of the Supreme Court, Ireland, by the Solicitor for the person suing out the process or citation, or, in the event of there being no such Solicitor, by the Treasury Solicitor in Ireland.

(3.) Such service shall be effected by delivering to and leaving with the person to be served one copy of the process to be served, and one copy of the translation thereof, in accordance with the Rules and practice of the Supreme Court (Ireland) regulating service of process.

(4.) After service has been effected the process server shall return to the Master of

the King's Bench Division one copy of the process, together with the evidence of service by affidavit of the person effecting the service verified by notarial certificate, and particulars of charges for the cost of effecting such service.

(5.) The particulars of charges for the cost of effecting service shall be submitted by the Solicitor aforesaid to a Taxing Master of the Supreme Court, who shall certify the correctness of the charges, or such other amount as shall be properly payable for the cost of effecting service. A copy of such charges and certificate shall be forwarded to His Majesty's Treasury by the Master of the King's Bench Division.

(6.) The Master of the King's Bench Division shall transmit to His Majesty's Secretary of State for Foreign Affairs the Letter of Request for service received from the foreign country, together with the evidence of service, and a copy of the charges and the Taxing Master's certificate, duly certified, for use out of the jurisdiction. Such certificate shall be in the Form in the Schedule to these Rules, which may be cited as Form No. 12, Appendix J., of the Rules of the Supreme Court (Ireland), 1905.

2. Upon the application of the Treasury Solicitor in Ireland, with the consent of His Majesty's Treasury, the Court or a Judge may make all such orders for substituted service or otherwise as may be necessary to give effect to these Rules.

APPENDIX J.

(O. 37, r. 47.)

No. 12.

CERTIFICATE OF SERVICE OF FOREIGN PROCESS.

I, _____ Master of the King's Bench Division of the Supreme Court of Judicature in Ireland hereby certify that the documents annexed hereto are as follows:—

(1.) The original letter of request for service of process received from the Court or Tribunal at _____ in the

of _____
in the matter of _____ *versus* _____, and:

(2.) The process received with such letter of request, and:

(3.) The evidence of service upon _____ the person named in such letter of request, together with the verification of a Notary Public.

AND I CERTIFY that such service so proved, and the proof thereof, are such as are required by the law and practice of the Supreme Court in Ireland regulating the service of legal process in Ireland, and the proof thereof.

AND I CERTIFY that the cost of effecting such service, as duly certified by the Taxing Master of the Supreme Court in Ireland, amounts to the sum of £ _____

Dated this _____ day of _____, 19 _____

Irish Land Commission.

LAND PURCHASE ACTS, 29TH JUNE, 1911.
ORDER XXIA.

IT is this day ordered that the following addition be made to the Schedule of Fees in the Appendix to the Rules dated 2nd July, 1910, viz. :—

SUPERIOR OR INTERVENING INTEREST WHERE
THE REDEMPTION PRICE DOES NOT
EXCEED £100.

Claimants' costs of proof.—Same as Incumbrancers' costs of proof.

Provided that where the redemption price does not exceed £30 half fees only shall be allowed.

Where the price is fixed by consent the above fees shall, save as is hereinafter mentioned, also cover all costs of proceedings for redemption, but shall not include costs of apportionment if apportionment be necessary, but if the consent has to be signed by the owner of the superior interest in person an additional fee of £1 shall be allowed.

Finance (1909-10) Act, 1910.

ASSESSMENT OF INCREMENT VALUE DUTY.
THE following resolution of the Taxing Masters has been issued:—

CONSOLIDATED TAXING OFFICE OF THE
SUPREME COURT OF JUDICATURE
(IRELAND).

Resolved this 27th day of June, 1911, that in respect of the Taxation of all Bills of Costs, we shall be at liberty to adapt the Fee in pursuance of the Rule of the High Court of Justice in Ireland, Chancery Division, Land

Judges, relating to Attendances at the Stamp Office, dated the 19th day of July, 1910, and, accordingly, in the exercise of our discretion, to allow to solicitors a fee of (not exceeding) £1 10s. for all necessary attendances at the Stamp Office in connection with the assessment of Increment Value Duty on Deeds.

JEHU MATHEWS.

SHAPLAND MORRIS TANDY.

JAMES GOFF.

Land Registry (Ireland).

THE following appears in the Parliamentary Papers of 5th July :—

Q.—Sir Thomas Esmonde.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, what is the cause of the delay in the Land Registration of Ireland Central Office in registering the labourers' plot on the lands of Mrs. Somers, of Lymebrick, in the Union of Gorey and County of Wexford, application for the registry of which has been made as far back as 27th September, 1910. [4th July, 1911.]

A.—Mr. Birrell.—Owing to the insufficiency of the staff in the Land Registry Office some delay has been caused in registering this and other similar cases: The question of an increase of the staff is at present before the Treasury. [4th July, 1911.]

The Public Trustee, Ireland.

(Irish Land Act, 1909, Sec. 38 (1) (a)).

INVESTMENTS in the following Securities have been approved by the Public Trustee, up to 30th June, 1911 :—

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

Argentine Government, 4½% 1888-9 Conversion Loan.

Argentine Government, 4% Bonds, 1908.

Argentine Government, 4½% Internal Gold Loan, 1888.

Argentine Government, 4% Rescission Bonds.

Argentine Government, 5% 1884 Loan.

Argentine Government, 3½% External Bonds, 1889.

Argentine Government, 4% 1897 Loan.

Argentine Government, 5% Railway Bonds.

Brazilian Government, 4% Bonds, 1889.

Brazilian Government, 4% Rescission Bonds.

Brazilian Government, 4% 1910 Loan.

Brazilian Government, 4½% 1888 Loan.

Brazilian Government, 5% 1908 Loan.

Brazilian Government, 5% 1895 Loan.

Brazilian Government, 4% 1911 Loan.

Chilian Government, 4½% 1886 Bonds.

Chilian Government, 5% 1905 Loan.

Chilian Government, 5% 1896 Loan.

Chilian Government, 4½% Loan, 1893.

Chilian Government, 4½% Loan, 1895.

Chilian Government, 5% Loan, 1910.

Chilian Government, 5% New Loan.

Chinese Government, 4½% Gold Loan, 1898.

Chinese Government, 5% 1896 Gold Loan.

Chinese Government, 5% Tientsin Pukow Railway Loan.

Cuban Government, 4½% Gold Bonds, 1949.

Egyptian Government, 3½% Preference.

Egyptian Government, 3½% Preference (Inscribed).

Egyptian Government, 4% Unified Debt.

Finland 4½% Government Railway Bonds.

Greek Government, 4% Railway Loan, 1902.

Hungarian Government, 4% Gold Rentes.

Japanese Government, 4½% Sterling Loan (1st series).

Japanese Government, 4½% Sterling Loan (2nd series).

Japanese Government, 4% Sterling Loan.

Japanese Government, 5% Bonds (1895-96) (Redeemed).

Japanese Government, 4% Sterling Loan, 1905.

Japanese Government, 4% Sterling Loan, 1910.

Mexican Government, Gold Loan, 4%, 1904.

Mexican Government, 5% External Consolidated Gold Loan, 1899.

Russian Government, 4% Consolidated Railway Bonds.

Russian Government, 4½% 1909 Loan.

San Paulo 5% Treasury Bonds.

Siamese Government, 4½% Sterling Loan.

Spanish Government, 4% Sealed Bonds.

Uruguay 3½% Consolidated Loan.

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

Baltimore and Ohio Railway (Pittsburg and Lake Erie) 4% Bonds.

Baltimore and Ohio Railway 4% 1st Mortgage Gold Bonds.

Chesapeake and Ohio Railway 4½% 20 years Convertible Gold Bonds.

Chicago, Milwaukee and St. Paul Railway 4% 1934 Gold Bonds.
 Chicago, Milwaukee and St. Paul Railway 4% General Mortgage Gold Bonds, 1989.
 Great Northern Railway (St. Paul, Minneapolis and Manitoba 4% Sterling Extension Bonds).
 Illinois Central Railway 4% Gold Bonds, 1953.
 Louisville and Nashville Railway Unified 4% Gold Bonds.
 Minneapolis, St. Paul and Sault Ste Marie Railway 4% 1st Mortgage Gold Bonds.
 New York Central and Hudson River Railway 4% Gold Debentures, 1934.
 New York Central and Hudson Railway 3½% Gold (Lake Shore) Bonds.
 New York Central and Hudson River Railway, Michigan Central Collateral 3½% 1998 Gold Bonds.
 Norfolk and Western Railway 4% 1st Lien and General Mortgage 1944 Gold Bonds.
 Northern Pacific Great Northern Railways 4% Joint Bonds.
 Northern Pacific Great Northern Railways 3% General Lien Gold Bonds.
 Pennsylvania Railway 4% Consolidated Mortgage Sterling Bonds, 1948.
 Southern Pacific Railway 4% Central Pacific Collateral Gold Bonds.
 Southern Pacific Railway 4% 1st Refunding Gold Bonds.
 Southern Pacific Railway 4% 20 years Convertible Gold Bonds.
 Union Pacific Railway 4% 1st Mortgage Gold Bonds.
 Union Pacific Railway 20 years 4% Convertible Gold Bonds.
 Union Pacific Railway 4% 1st Lien and Refunding Mortgage Bonds.
 Argentine Great Western Railway 5% Debenture Stock.
 Argentine Great Western Railway 4% 1st Debenture Stock.
 Argentine Great Western Railway 4% 2nd Irred. Debenture Stock.
 Buenos Ayres and Pacific Railway 4½% Consolidated Debenture Stock.
 Buenos Ayres and Pacific Railway 4% 1st Debenture Stock.
 Buenos Ayres and Pacific Railway 4½% 2nd Debenture Stock.
 Buenos Ayres and Great Southern Railway 4% Debenture Stock.

Buenos Ayres Western Railway 4% Debenture Stock.
 Cordoba Central Railway 5% 2nd Debenture Stock (Central Northern Section).
 Central Argentine Railway 4% Consolidated Debenture Stock.
 Central Argentine Railway 3½% Central Debenture Stock.
 Mexican Southern Railway 4% 1st Mortgage Debentures.
 Canadian Pacific Railway, 4% Debenture Stock.

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

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

(a) With the sanction of the Public Trustee—

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

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

(b) and without such sanction—

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

company which has, during a like period, paid a dividend on its ordinary stock ;

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

(iii) in the stock, mortgages, bonds, debentures, or debenture stock issued or to be issued by the council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order ;

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

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

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

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

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

New Solicitors.

ADMISSIONS DURING JUNE, 1911.

Name	Served Apprenticeship to
Cromie, William Andrew	Alexander Gartlan, Newry.
Greene, Thomas J.	Roger Greene & Florence A. Greene, Dublin.
McCarthy, Thomas Paul	Jeremiah McCarthy, Sligo
Tierney, Martin	Louis C. P. Smith, Cavan

Results of Examination.

At the Preliminary Examination, held upon the 18th and 19th days of May, the following passed the examination, and their names are arranged in order of merit :—

1. James A. Henderson.
2. John K. Woods.
3. Maurice J. Woulfe.
4. Martin T. Breene.
5. Patrick J. McGarvey.
6. Francis S. Younge.
7. Matthew A. Farrell.
8. George S. Farrell.
9. John J. Kavanagh.

Arthur Kenny, John MacDonald and James Murray passed the modified Preliminary Examination, for which they had liberty to present themselves.

Eighteen candidates attended : twelve passed ; six were postponed.

Preliminary Examination Prizes, 1910-11.

THE Court of Examiners awarded a Gold Medal to James O'Connor, a Silver Medal to James A. Henderson, and special Certificates to John K. Woods, Terence Byrne, Junior, and Edward V. Coolican.

At the Final Examination for Apprentices, held upon the 22nd, 23rd, and 24th days of May, the following passed the examination, and their names are arranged in order of merit :—

1. Thomas J. Greene.
2. Sydney Mathews.
3. Robert Wallace, B.A., R.U.I.
4. Henry A. B. O'Hanlon.
5. John T. Boumpfrey, B.A., T.C.D.
6. John P. V. Campbell.
7. William A. Cromie.
8. Thomas P. McCarthy.
9. Thomas F. Monks, Junior.
10. Michael M. Quin.
11. Martin Tierney.
12. James M. Pollin.
13. Ambrose Steen, B.A., N.U.I.
14. William G. Ryan.

The Court of Examiners awarded a Gold Medal to Thomas J. Greene, a Silver Medal to Sydney Mathews, and a special Certificate to Robert Wallace, B.A., R.U.I.

Twenty-eight candidates attended ; fourteen passed ; fourteen were postponed.

Examinations.

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

October 5th and 6th—Preliminary.
 October 9th—Intermediate.
 October 10th, 11th and 12th—Final.
 October 11th and 12th—Findlater
 Scholarship.

Solicitors' Benevolent Association.

A MEETING of the Directors was held on the 7th June. The Secretary reported having received a life subscription of £10 10s. from Mr. Claude J. Rutherford, and a donation of £10 10s. from Mr. W. J. Shannon; also £4 4s. in annual subscriptions since last meeting. Grants amounting to £135 10s. were made to 16 applicants for relief.

Messrs. Stanuell, Rice and Lowe were appointed to act as Scrutineers at the election of a Fulton Life Annuitant.

The following new members have joined the Association, viz. :—

Mr. Robert L. Brown, Oldcastle.

Mr. Russell McWilliam, Monaghan.
 Mr. Francis J. Little, Dublin.
 Mr. Herbert McWilliam, Ballybay.
 Mr. Francis Shields, Omagh.
 Mr. W. R. Corr, Crossmaglen.
 Mr. James Rountree, Monaghan.

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 Ltd., 28 Dame Street, Dublin.

NOTICE.

A Reward of **25** will be given for recovery of the Documents hereinafter mentioned, last known to have been in the possession of the late Mr. John J. Adams, Solicitor, 3 Upper Camden Street, Dublin, relating to the Lands of Coolahocka, near Killeel, in the County of Kildare, the property of the Representatives of the late Joseph Kavanagh :—

Lease dated 24th March, 1832, John M. Cantillon and Others to Edward Cavanagh.

Equitable Mortgage dated 28th December, 1876, Joseph Cavanagh to Susan Quinn.

Mortgage dated 14th August, 1878, same parties.

Conveyance dated 14th September, 1878, Susan Quinn, 1st Part; Joseph Cavanagh, 2nd Part; John J. Watters, 3rd Part.

Apply to

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 4.]

August, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.]

Meetings of the Council.

July 12th.

Increment Value Duty.

A LETTER was read from the Taxing Masters drawing attention to their resolution of 27th June, 1911, which appeared in the GAZETTE of last month, in which resolution the Masters resolved to adapt the fee allowed under the Land Judge rule of 19th July, 1910, and to allow Solicitors a fee of (not exceeding) £1 10s. 0d. for all necessary attendances at the Stamp Office in connection with the assessment of increment value duty on deeds. It was resolved to write to the Masters requesting that their resolution be amended by omitting the words "not exceeding," which does not occur in the Land Judge rule.

Valuation Appeals.

A Prospectus issued by the Secretary of the Irish Rate and Taxpayers' Association to persons whose premises have been re-valued for rating purposes, giving information as to the procedure in appeals against valuations, was referred to the Parliamentary Committee.

Petty Sessions Proceedings.

The opinion of Counsel on the case submitted to him on this subject was read, which advised that the Society should not, owing to insufficiency of necessary evidence, institute proceedings against the Secretary of a Company, who it was alleged had appeared on behalf of the Company at Petty Sessions proceedings in which the Company were complainants.

Court of Examiners.

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

July 26th.

Taxing Office.

Two letters were read drawing the attention of the Council to delays in the Taxing Office in the checking of certificates of taxation lodged for the signature of the Masters. It was resolved to write to the Chairman of the Committee appointed by the Lord Chancellor in 1909 to enquire into the working of the Taxing Office, drawing his attention to the delays complained of.

Estates Commissioners.

Attention having been drawn to the undue length of the time which elapses between the lodgment for noting of deeds of assignment of holdings for which purchase agreements have been entered into under the Land Purchase Acts, and the time when such deeds are ready to be given back, it was decided to draw the attention of the Commissioners to the matter with a view to its being remedied.

Labourers Acts.

The Costs Committee reported that the opinion of Counsel had been taken in reference to the suggestion contained in the letter of the Local Government Board, that it is desirable a decision of a Court of Law should be sought as to the liability of District Councils to owners of lands for the costs of

consents necessary to be filed in the Land Commission where agreements have been entered into for sale of the lands under the Land Purchase Acts, and portion of the lands agreed to be sold has been acquired under the Labourers Acts. Counsel had advised that at present he sees no means of obtaining a decision of a Court of Law on the question. This opinion has been forwarded to the Local Government Board with a request that they will state how they propose the opinion of a Court of Law on the question could be obtained.

Belfast Corporation Bill.

This Bill, in the form in which it has passed the House of Commons, was submitted. Clause 36 of the Bill, as originally introduced and which clause the Council actively opposed, was struck out of the Bill in Committee. It was proposed by the clause that for the purpose of taking land compulsorily under the Act and of determining the amount of compensation payable by the Corporation in respect of such land, the provisions of the Lands Clauses Acts should be deemed to be amended by the provisions in the Second Schedule of "The Housing of the Working Classes Act, 1890," and that that schedule should be deemed to be incorporated in the Corporation Act. The effect of this provision would have been that there would have been no appeal from a decision of an Arbitrator awarding to a claimant a sum of less than £1,000 compensation.

Preliminary Examination.

A memorial of a law clerk, under Section 18, seeking a modified preliminary examination, was considered, and it was decided that same should not be opposed.

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 submitted, and the application was granted.

New Members.

THE following joined the Society during July, 1911 :—

Greene, Thomas J., 11 Wellington Quay, Dublin.]

Pollin, James M., 41 Donegall Street, Belfast.

Sanderson, William H., 66 Lr. Gardiner Street, Dublin.

Smiles, William A., Belfast.

Visit to Ireland of Their Majesties the King and Queen.

An address of welcome from the Society, on the occasion of Their Majesties' visit to Ireland last month, was presented to His Majesty at Dublin Castle on the 10th July. The address was presented by the President, who was accompanied by the Secretary. His Majesty handed to the President a copy of his general reply to the addresses presented.

Council Meetings.

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

October 4th and 18th.

Committee Meetings.

THE following Committee Meetings were held during July :—

Costs, 4th and 17th.

Court of Examiners, 12th, 21st and 31st.

Gazette, 13th.

Parliamentary, 20th.

House, Library, and Finance, 24th.

Legal Appointment.

THE Lord Lieutenant has appointed Mr. Patrick S. Golding, of Ballinasloe, and 48 Upper Sackville Street, Dublin, to be Crown and Sessional Crown Solicitor for the County and City of Galway, in the room of Mr. James W. Blake, retired.

Commissioners to Administer Oaths.

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

James J. Hayden, Solicitor, 4 St. Andrew Street, Dublin.

George P. Cussen, Solicitor, 23 Suffolk Street Dublin.

Obituary.

MR. HENRY A. LEE, Solicitor, Dublin, died upon the 18th July, 1911, at Dublin.

Mr. Lee, who was admitted in Hilary Term, 1869, under the special provisions of 30 & 31 Vic., Cap. 114, Section 26, practised formerly in partnership with his father, the late Mr. Robert C. Lee, at 2 Inns Quay, Dublin, and latterly at 19 & 20 Fleet Street, Dublin, under the style of Robert Lee & Son.

MR. EDWARD H. DE MOLEYNS, Solicitor, Dublin, died upon the 24th July, 1911, at his residence 18 Longford Terrace, Monkstown, Co. Dublin.

Mr. De Moleyns, who was admitted in Michaelmas Term, 1843, practised at 17 Herbert Street, Dublin, up to the year 1875, when he was appointed Solicitor to the Bank of Ireland, which position he held until the year 1898, when he retired from practice.

Recent Decisions affecting Solicitors.

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

KING'S BENCH DIVISION.

(Before Dodd, J.)

O'Brien v. O'Brien.

June 2, 1911.—*Costs—Taxation—Witnesses' expenses—Principal witness.*

IN an action under Lord Campbell's Act, owing to the delay on the part of the defendant to admit certain facts, the main witness on behalf of the plaintiff was brought from London. The Taxing Master disallowed the entire of the costs in respect thereto:

Held, that the Taxing Master was wrong in so doing, and that the exercise of his discretion did not extend so far as to enable him to disallow the costs of the main witness upon whose evidence the entire of the action depended. Regard should be had to counsel's directions for proofs, but they are not conclusive.

This was an action under the Fatal Accidents Act, 1846, brought by the plaintiff, Kate O'Brien, against the defendant, James O'Brien, for damages. It appeared that the defendant had killed the husband of the plaintiff by a blow of a spade or shovel. The defendant was indicted and tried for manslaughter and found guilty, and sentenced to a term of twelve months

imprisonment. The civil action was tried at the Spring Assizes at Sligo before a common jury of the county, and the jury found a verdict for the plaintiff, and awarded her £80 damages. Judgment was duly entered for the plaintiff with costs. On the taxation of the plaintiff's costs objection was taken before the Taxing Master to an item of £16 2s., being the amount of the expenses paid to a medical witness, Dr. Howard V. Gatchell, of London. The objection was upheld and the item disallowed. The facts in respect to this item, as appeared from the affidavits filed in the case, were as follows:— By a letter dated Feb. 18, 1911, the plaintiff's solicitor asked the solicitors for the defendant to admit the deposition made by Dr. Gatchell on June 7, 1910, for the purpose of the criminal proceedings before the magistrates. The deposition in substance stated that the deceased had died from an abscess which had eaten into the brain, and that it was caused by a heavy blow which might have been inflicted by a spade or shovel. By a letter dated Feb. 27, 1911, the solicitors for the defendant agreed to the course proposed. By a further letter dated March 3, 1911, the solicitor for the plaintiff, on the advice of senior counsel, asked for an admission of the facts proved by Dr. Gatchell in his deposition, a summary of which accompanied the letter. On March 6, 1911, the solicitors for the defendant replied, stating that subject to an addition which they made they had no objection to admitting the facts. The proposed addendum was a statement to the effect that in his (Dr. Gatchell's) opinion the deceased would have stood a better chance of recovery if he had been properly attended to immediately after he had received the injuries. On the same day the solicitor for the plaintiff despatched the following answer:—"As I did not receive your letter as to admitting the summary of Dr. Gatchell's evidence until one o'clock to-day, I could not take the responsibility of going on with the case in the absence of the doctor. He will, therefore, be in attendance." The trial took place on the following day, March 7, 1911. The report of the Taxing Master was as follows:—

17th May, 1911.

(1) The following is the statement of the grounds and reasons of my decision on the objection of the plaintiff to the disallowances in her costs taxed by

me in pursuance of the judgment therein pronounced in Court on March 7, 1911; entered in office March 22, 1911.

(2) I refer to the said objection dated May 9, 1911, and the letter of the plaintiff's solicitor dated May 16, 1911, requiring my report on objection.

(3) Objection to No. 82 of the plaintiff's costs. This item—amount, £16 2s.—is claimed for the travelling expenses of Doctor Gatchell as a witness from London to Sligo, £7 14s., and fees for four days at £2 2s.—£8 8s. On hearing of the objection, the affidavits of the plaintiff's solicitor, filed April 29, 1911, and May 5, 1911, and the affidavit of one of the solicitors for the defendant, filed April 29, 1911, were read, as also the several exhibits therein referred to. Order XXXII., rule 4, was also cited on behalf of the defendant. In the circumstances of the case I formed the opinion that as against the defendant the plaintiff was not entitled to any of the expenses in question, and, accordingly, I overruled the objection.

Dodd, J., in giving judgment, said:—My difficulty in deciding the point is greatly increased by the fact that both solicitors were so eminently reasonable. They seem to me to have conducted this case in a way that deserves encomium from a Judge. The plaintiff's solicitor was not seeking in any way to increase the costs, and the solicitors for the defendant were not in any way interested in embarrassing their adversary. This case illustrates the old rule that if a party is going to admit any fact he ought to admit it fully and frankly, and without any reserve whatever. If it had been conceded that this was only a question of damages, the position might have been different. There is a question of principle involved. The admission of fact that the death of the plaintiff's husband was caused by the act of the defendant would not in the circumstances have warranted any counsel at the bar in dispensing with the presence of the doctor. I quite sympathise with the difficulties of the Taxing Masters when they say they are confronted with an array of witnesses, making every possible addition to the costs. The question of damages depended upon the view that the jury might take of the action of the doctor who had attended the deceased. One doctor took a trivial view of the injury, and said that if he had treated the deceased the man would not have died. And I have never heard that in such a case a medical witness who actually treated the patient ought not to be produced. Here a good deal naturally turned upon the treatment that the deceased had received, and

upon his condition when he was first professionally attended to. Evidence was given on behalf of the defendant that another doctor in the like circumstances would have acted differently. For this reason the question of the amount of damages largely, if not wholly, depended upon the opinion the jury formed of the nature and character of the medical attention that the deceased had in fact received at the hands of Dr. Gatchell. This was not a class of case where the evidence of Dr. Gatchell could properly have been taken on commission. I know the outcry that would be raised if such an order had been made. The discretion of the Taxing Master does not extend so far as to enable him to disallow the costs of the main witness in the case, and the sum disallowed should properly have been allowed. I am far from deciding that the Taxing Master should have exclusive regard to everything said in every senior counsel's direction of proofs. Dr. Gatchell's evidence could not have been presented to the jury on paper. It was upon his evidence that the damages were given. Without it the damages would not have been given. In sending the case back to the Taxing Master, as I do, I direct him that the principle he should adopt in the taxation of the costs is that while he is not to have exclusive regard to counsel's directions of proofs, it is not within his right to disallow the costs of the main witness upon whose evidence the entire of the case depended.

(Reported *I.L.T.R.*, Vol. xlv., page 203.)

Finance (1909-10) Act, 1910.

THE following appeared in the Parliamentary Papers of 28th July:—

Q. Sir John Lonsdale.—To ask Mr. Chancellor of the Exchequer, if the benefits of sub-section 2 of Section 61 of The Finance (1909-10) Act, 1910, only apply to the property of a deceased person where a fixed duty is payable and where the gross assets do not exceed £500. [27th July, 1911.]

A. Mr. Hobhouse.—The Answer is in the affirmative, for the reason that, in other than fixed-duty cases, the duty, under the provisions of The Finance Act, 1894, is only chargeable upon the net value of the property after deduction of the charges or liabilities referred to in the sub-section in question. [27th July, 1911.]

Q. Sir John Lonsdale.—To ask Mr. Chancellor of the Exchequer, if he is aware that the representatives of deceased farmers who have signed agreements, to purchase their farms under the Land Purchase (Ireland) Acts, but who have not had their farms vested in them by the Estates Commissioners before their death, and who are debarred from receiving the benefits of sub-section 2 of Section 61 of The Finance (1909-10) Act, 1910, are obliged by the Commissioners of Inland Revenue in Ireland to pay death duties on the farms before they can obtain probate or administration instead of being allowed the benefits of sub-section 3 of Section 61 of The Finance (1909-10) Act, 1910; and will he state what action he proposes to take. [27th July, 1911.]

A. Mr. Hobhouse.—The amount of the unpaid purchase money can be deducted, as explained in the reply to the previous Question, in ascertaining the value chargeable with duty, and it is the practice to treat sub-section (3) of Section 61 of The Finance (1909-10) Act, 1910, as sanctioning the payment by instalments of estate duty, other than the fixed duty, in respect of farms the subject of agreements to purchase under the Land Purchase (Ireland) Acts. [27th July, 1911.]

Q. Sir John Lonsdale.—To ask Mr. Chancellor of the Exchequer, whether he is aware that the non-vesting of farms where farmers have signed agreements to purchase their farms under the Land Purchase (Ireland) Acts, thereby depriving their representatives on their death of the benefits of sub-section 3 of Section 61 of The Finance (1909-10) Act, 1910, is in many cases due to the Irish Land Act of 1909, as well as to the delay in providing funds for the completion of land purchase in Ireland; and, having regard to the fact that the representatives of the deceased farmers who have purchased their holdings are in no way to blame for the non-vesting of the holdings, will he undertake to introduce an amendment to the present Finance Bill to provide that the benefits of sub-section 3 of Section 61 of The Finance (1909-10) Act, 1910, shall apply to all land subject to the payment of interest to the Irish Land Commission in lieu of rent. [27th July, 1911.]

A. Mr. Hobhouse.—It is the practice to treat the sub-section in question as sanctioning the payment by instalments of Estate Duty (other than the fixed duty) in respect of land which is subject to the payment of interest to the Irish Land Commission in lieu of rent. [27th July, 1911.]

The following are the terms of sub-sections (2) and (3) of Section 61 of the Finance (1909-10) Act, 1910, referred to in the questions and answers above:—

(2) Where it is claimed that a fixed duty is payable in respect of any property under sub-section (1) of section sixteen of the principal Act as being property of a gross value not exceeding three hundred pounds or five hundred pounds, as the case may be, and such property includes property which is proved to the satisfaction of the Commissioners to be subject to a charge created for the purpose of securing unpaid purchase money, or money borrowed for the purpose of paying purchase money, or to be subject to or liable to be made subject to a charge for securing an advance made or to be made for the purpose of the purchase thereof, the value thereof for the purpose of determining the gross value of the property under the said section shall be taken to be its value subject to such charge or liability as aforesaid.

(3) Land subject to an annuity under the Land Purchase (Ireland) Acts shall be treated as real property for the purposes of sub-section (8) of section six of the principal Act (relating to the payment of estate duty by instalments).

Payment of Crown Duties out of Funds in Court.

THE following circular has been issued from the Estate Duty Office:—

The following procedure is to be adopted in connection with payment of Crown Duties out of Funds in Court.

Before an order in chamber upon an allocation is made directing duty to be paid out of the funds in Court, an assessment of the duty, with interest up to the probable date of payment, should be obtained at the Estate Duty Office in the ordinary way, and should be produced to the Chief Clerk or other proper officer of the Court.

In Chancery cases the Solicitors having carriage of the proceedings should note on the assessed accounts the ledger credit and the title of the action. In Land Commission cases the Record Number and the title of the estate should be noted on the assessed accounts.

In Chancery matters, the Solicitors having carriage of the proceedings should annex the assessed accounts and Warrant to Pay to the payment schedule to be lodged by them with the Accountant-General of the Supreme Court.

In Land Commission Cases, the assessed accounts and Warrant to Pay should, after vouching before the Examiner, be retained by the Solicitors having carriage of the proceedings, and handed by them to the Registrar in Court, at the time of the Allocation of the Funds.

When the Pay Order has been prepared, it should be annexed to the assessed accounts and Warrant to Pay, and all will be forwarded, by the Accountant-General of the Supreme Court, or by the Accountant, Irish Land Commission to,—

The Collector,
Customs and Excise,
Custom House,
Dublin.

The assessed accounts will then be stamped and returned from the Estate Duty Office to the Solicitors having carriage of the proceedings.

So far as possible like practice should be observed in connection with all other orders directing payments of duty out of funds in Court.

Additions to the Library.

THE following books have been added to the Library from December, 1910, to July, 1911:—

Arrangement, Deeds of.

Lawrance (George Woodford): Deeds of Arrangement and Statutory Compositions and Schemes, with precedents. 6th ed., by S. E. Williams. 8vo; London, 1910.

Bills of Exchange.

Byles (Rt. Hon. Sir John Bernard): A Treatise of the Law of Bills of Exchange, Promissory Notes, Bank Notes

and Cheques. 17th ed., by W. J. B. Byles and E. R. Watson. 8vo; London, 1911.

Church of Ireland.

Latham (*The Ven. J. K.*) and Sir J. C. Meredith: The Constitution of the Church of Ireland, 1909. 8vo; Dublin, 1909.

Common Law.

Odgers (W. Blake) and Walter B. Odgers: The Common Law of England; being the tenth edition of Broom's Commentaries on the Common Law.

2 Vols; 8vo; London, 1911.

Company Law.

Gore-Browne (F.) and William Jordan: Handbook of the Formation, Management and Winding-up of Joint Stock Companies. 31st ed. 8vo; London, 1911.

Palmer (*Sir Francis Beaufort*): Company Precedents for use in relation to Companies subject to the Companies (Consolidation) Act, 1908. Part I. 10th ed. 8vo. London, 1910. Part II.: Winding-up Forms and Practice. 10th ed.

8vo; London, 1910.

Contempt of Court.

Oswald (James Francis): Contempt of Court, Committal, Attachment, and Arrest upon Civil Process, with an appendix of forms. 3rd ed., by G. S. Robertson.

8vo; London, 1910.

Contract.

Addison (Charles Greenstreet): Treatise on the Law of Contracts. 11th ed.

8vo; London, 1911.

Fry (*Rt. Hon. Sir Edward*): A Treatise on the Specific Performance of Contracts. 5th ed., by W. D. Rawlins.

8vo; London, 1911.

Pollock (*Sir Frederick*): Principles of Contract; a Treatise on the general principles concerning the validity of Agreements in the Law of England. 8th ed.

8vo; London, 1911.

Conveyancing.

Davidson (Charles): Concise Precedents in Conveyancing, with practical Notes. 19th ed., by M. G. Davidson and S. Wansworth.

8vo; London, 1910.

Prideaux (Frederick): Forms and Precedents in Conveyancing (incorporating Wolstenholme's Forms and Precedents);

with dissertations and notes on its law and practice. 20th ed., by B. L. Cherry and R. Beddington. 2 Vols.

8vo; London, 1911.

Dates.

Haydn (Joseph): Haydn's Dictionary of Dates and Universal information relating to all ages and nations. 25th ed.

8vo; London, 1910.

Death Duties.

Norman (A. W.): A Digest of the Death Duties. 3rd ed.

Vol. 1; 8vo; London, 1911.

Directories, etc:—

Army List, The Monthly.

8vo; London, 1911.

Commercial Directory, The. Being a classified list of the principal Manufacturers, Merchants, Shippers, Agents, Warehousemen, etc., of the United Kingdom and the Continent. Twentieth year of issue. 4to; London, 1911.

Dublin University Calendar for 1910-11.

2 Vols.; 8vo; Dublin, 1910.

Hazell's Annual. For 1911.

8vo; London, 1911.

London Directory, Post Office, 1911.

4to; London, 1911.

Navy List (*Quarterly*): 8vo; London, 1911.

New South Wales Law Almanac, 1911.

18mo; Sydney, 1911.

Queen's University of Belfast, Calendar, 1910.

8vo; Belfast, 1910.

Scottish Law List and Legal Directory for 1911.

12mo; London, 1911.

Sell's Directory of Registered Telegraphic Addresses, for 1911. 8vo; London, 1911.

Stock Exchange Year Book for 1911.

8vo; London, 1911.

Thom's Official Directory of the United Kingdom of Great Britain and Ireland for 1911.

8vo; London, 1911.

Whitaker's Almanac for 1911.

8vo; London, 1910.

Who's Who, 1911. 8vo; London, 1911.

Divorce and Marriage.

Renton (A. W.) and G. G. Phillimore: The Comparative Law of Marriage and Divorce.

8vo; London, 1911.

Election Petitions.

O'Malley (Edward Loughlin) and H. Hardcastle: Reports of the Decisions of the

Judges for the Trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868. Vols. I-VI.

8vo; London, 1869-1910.

Electric Lighting and Traction.

Knowles (C. M.): The Law relating to the Generation, Distribution and Use of Electricity, including Electric Traction. In two parts. Part I.—Electric Lighting and Power. Part II.—Electric Traction.

2 Vols.; 8vo; London, 1911.

Employers' Liability.

Dawbarn (C. Y. C.): Employers' Liability to their servants at Common Law and under the Employers' Liability Act, 1880, and the Workmens Compensation Act, 1906. 4th ed.

8vo; London, 1911.

Evidence.

Best (W. M.): The Principles of the Law of Evidence. 11th ed., by S. L. Phipson.

8vo; London, 1911.

Powell (Edmund): Principles and Practice of the Law of Evidence. 9th ed., by W. Blake Odgers.

8vo; London, 1910.

Finance 1909-10 Act, 1910.

Evans (W. O.) and W. A. Barton: The Land and Mineral Taxes of the Finance (1909-10) Act, 1910, annotated, discussed and explained. With a chapter on Practical Valuation, by H. J. Treadwell.

8vo; London, 1910.

Housing of the Working Classes.

Allan (C. S.) and F. J. Allan: The Housing of the Working Classes Acts, 1890-1909, and Town Planning. 3rd ed.

8vo; London, 1911.

Income Tax.

Redman (Joseph Haworth): Pratt and Redman's Income Tax Law. 8th ed.

8vo; London, 1910.

Ireland.

D'Alton (*The Rev. E. A.*): History of Ireland from the earliest times to the present day. 6 Vols. 8vo; London, 1911.

Justice of the Peace.

Molloy (Constantine): The Justice of the Peace for Ireland. A Treatise on the powers and duties of Magistrates in Ireland in cases of Summary Jurisdiction and in other matters, founded partly on Molloy's Justice of the Peace. With an Appendix of Statutes, by R. M. Hennessy.

8vo; Dublin, 1910.

Stone's Justices' Manual, being the Yearly Justices' Practice for 1911. 43rd ed. Edited by J. R. Roberts. 8vo; London, 1911.

Law Reports:

Ten Years' Digest, 1901 to 1910, of all the cases reported in the Law Reports and in the Weekly Notes. Compiled by Meryon White-Winton. 8vo; London, 1911.

Laws of England.

Halsbury (*The Right Hon. the Earl of*): The Laws of England; being a complete statement of the whole Law of England. Vols. 14, 15 and 16. 8vo; London, 1910-11.

Leading Cases.

White (F. T.) and O. D. Tudor: A Selection of Leading Cases in Equity, with Notes. 8th ed. Vol. 1. 8vo; London, 1910.

Marriage and Divorce.

Renton (A. W.) and G. G. Phillimore: The Comparative Law of Marriage and Divorce. 8vo; London, 1911.

Merchant Shipping.

Maclachlan (David): Treatise on the Law of Merchant Shipping. 5th ed. 8vo; London, 1911.

Mortgage.

Fisher (William Richard): Law of Mortgage and other Securities upon Property. 6th ed. 8vo; London, 1910.

Parish Registers.

Parish Register Society of Dublin, Vol. VIII. The Registers of Derry Cathedral (S. Colomb's) Parish of Templemore, Londonderry, 1642-1703. 8vo; Exeter, 1910.

Real Property.

Challis (H. W.): Law of Real Property, chiefly in relation to Conveyancing. 3rd ed. 8vo; London, 1911.

Remitting of Actions.

Ryland (Richard Hughes): The Remitting of Actions from the King's Bench and Chancery Divisions of the High Court of Justice in Ireland to the County Courts, and the Removal of Actions from the County Courts to the King's Bench and Chancery Divisions of the High Court of Justice. 8vo; Dublin, 1911.

Stamp Duties.

Alpe (Edmund N.): Law of Stamp Duties on Deeds and other instruments, revised and amplified by A. B. Cane. 12th ed. 8vo; London, 1911.

Statute Law.

Craies (William Feilden): Treatise on Statute Law. 2nd ed. 8vo; London, 1911.

Statutes.

Chronological Table and Index of the Statutes. 26th ed. To the end of the Session 10 Edw. 7, and 1 Geo. 5 (1910). 2 Vols.; 8vo; London, 1911.

Title, Registration of.

Place (C. G.): Notes on Registration of Title under the Labourers (Ireland) Acts, 1884 to 1906. 8vo; Dublin, 1911.

Trade Marks.

Sebastian (Lewis Boyd): The Law of Trade Marks and their Registration and matters connected therewith, including Passing Off and Goodwill. 5th ed., by the Author and H. B. Hemming and S. R. Sebastian. 8vo; London, 1911.

Trade Unions.

Greenwood (John Henry): The Law relating to Trade Unions. 8vo; London, 1911.

Trusts and Trustees.

Lewin (Thomas): A Practical Treatise on the Law of Trusts. 12th ed., by Cecil C. M. Dale and G. A. Streten. 8vo; London, 1911.

Rudall (Arthur Reginald) and J. W. Greig: The Law of Trusts and Trustees. 4th ed. 8vo; London, 1911.

Vendor and Purchaser.

Williams (T. Cyprian): Law of Vendor and Purchaser of Real Estate and Chattels Real. 2nd ed. 2 Vols.; 8vo; London, 1910-11.

Workmen's Compensation:

Dawbarn (C. Y. C.): Employers' Liability to their servants at Common Law and under the Employers Liability Act, 1888, and the Workmen's Compensation Act, 1906. 4th ed. 8vo; London, 1911.

Also Current Law Reports, Legal Periodicals, Statutes, Statutory Rules and Orders, etc., etc.

New Solicitors.

ADMISSIONS DURING JULY, 1911.

Name	Served Apprenticeship to
Pollin, James Moore ...	Robert Kelly, jun., and Hugh C. Kelly, Belfast.
Quin, Michael M. ...	William P. Maguire, Enniskillen.
Wallace, Robert ...	Alexander McDowell, Belfast.

Results of Examinations.

AT the Intermediate Examination for Apprentices, held upon 3rd July, the following passed the Examination, and their names are arranged in order of merit :—

CLASS I.

- 1. William J. Keery.
- 2. Robert Marshall.
- 3. John Mooney.
- 4. Patrick Hogan.
- 5. Daniel C. S. P. Moon } equal.
- George Nolan, Jun. }
- 7. Thomas D. Cotton.
- 8. Patrick H. Rosney.
- 9. Jeremiah Moloney.
- 10. Owen Binchy.
- 11. Maurice W. B. O'Connor } equal.
- James Telford }
- 13. Daniel P. King.
- 14. Patrick J. Roe } equal.
- William P. Wall }
- 16. Robert E. H. Stack.
- 17. James S. Boal.
- 18. Henry G. Morris.
- 19. Robert H. Mathews } equal.
- Thomas P. Robinson }
- 21. James E. Elcock.
- 22. George E. MacCarthy.
- 23. William E. Chapman } equal.
- John J. Keenan }
- 25. Edmund J. Duggan.
- 26. Patrick E. Rogers.
- 27. John L. Burke } equal.
- Francis E. Fetherstonhaugh }
- William J. Magnier, Jun. }
- 30. Robert V. Hamilton.
- 31. William F. A. Barry.
- 32. Robert R. MacCulloch.
- 33. Thomas McComb.
- 34. James O'Doherty.
- 35. Robert D. C. Bustard } equal.
- John T. McConnell }
- 37. John Cullen.
- 38. John MacC. O'Hea.
- 39. Edward G. L. Ward.
- 40. George B. Caruth.
- 41. Christopher C. Shaw.
- 42. Frederick H. Hall.
- 43. John C. Dudgeon.
- 44. Alfred H. Morrison.
- 45. Patrick J. Little.
- 46. John B. J. Dunne.
- 47. George Lynch.

- 48. James C. Browne.
- 49. John S. Mitchell.
- 50. Thomas Murphy.

The candidate whose examination number was 15 will not be permitted to again present himself for the Intermediate Examination till March, 1912.

Fifty-eight candidates attended: fifty passed; eight were postponed.

Dates of October Examinations.

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

- October 5th and 6th, Preliminary (Papers to be lodged on or before 6th September).
- October 9th, Intermediate (Papers to be lodged on or before 25th September).
- October 10th, 11th and 12th, Final (Papers to be lodged on or before 12th September).
- October 11th and 12th, Findlater Scholarship.

Michaelmas Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing on the following dates in Michaelmas Sittings, 1911 :—

- October 27, 31.
- November 3, 7, 10, 14, 17, 21, 24, 28.
- December 1, 5.

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

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

- October 26, 30.
- November 2, 6, 9, 13, 16, 20, 23, 27, 30.
- December 4.

Books :—Williams' Personal Property; Ringwood on Torts.

The lectures to both classes will be delivered at 4 p.m. in the Lecture Theatre of the Society at the Four Courts.

Apprentices desirous of attending either lecture class should give notice to the Secretary before the 20th October.

Solicitors' Benevolent Association.

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

November 1st.
December 6th.

Notice as to "Gazette."

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

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

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

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THE GAZETTE

OF THE

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SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 5.]

November, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

October 4th.

Registration of Titles.

A DEPUTATION from the Council was appointed to interview the Registrar of Deeds and Titles in reference to delays in the working of the Office of Registration of Titles.

Taxing Office.

A letter in reply was read from the Registrar of the Court of Appeal, who had been Chairman of the Committee appointed by the Lord Chancellor in 1909 to enquire into the working of the Taxing Office, stating that the Committee was *functus officio*, but that he would send to His Lordship the letter in which the Council draw attention to delays in issuing Certificates of Taxation. It was resolved to write to the Lord Chancellor asking that the Council might be furnished with a copy of the report of the Committee, in order that they might ascertain if the recommendations were being carried out.

Coroners' Inquests.

A letter was read from the Secretary of the Amalgamated Society of Railway Servants in reference to the representation at Coroners' inquests of representatives of deceased workmen, or of the Societies or Unions to which they belong. The matter was referred to the Parliamentary Committee.

Solicitor acting as an Auctioneer.

The attention of the Council was drawn to an advertisement appearing in the Press from a member of a firm of Solicitors who is

also an auctioneer, and in which advertisement it was stated that he acts as Auctioneer in connection with his profession of Solicitor. It was resolved to write to the Solicitor requiring him to withdraw the advertisement as being unprofessional, and requiring him not again to advertise as a Solicitor in connection with his advertisements as auctioneer.

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 and recommending that it be granted, was adopted. A further report recommending that the application of the same law clerk for a modified preliminary examination be not opposed was also adopted.

Certificate.

An application by a Solicitor, admitted over one month, for liberty to take his first certificate, was granted.

October 18th.

Debt Collecting.

A letter was read from a country firm of Solicitors enclosing a form of demand for payment of a debt received by a client from the clerk of a firm of merchants to whom the debt was due, and threatening proceedings in case of non-payment. A reply was directed, drawing attention to the penalty to which a person is liable under the provisions of Section 53 of the Solicitors (Ireland) Act, 1898, "who wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is duly qualified to act as a Solicitor," and

stating that if evidence were forthcoming such as the Section contemplated the Society would proceed.

Registration of Title Office.

The President reported the result of the interview of the deputation from the Council with the Registrar of Titles in reference to the delays in the Registration of Titles Office. The following resolution was adopted, and copies directed to be sent to the Chief Secretary, the Lord Chancellor, Mr. Justice Madden, the Attorney-General, the Registrar of Deeds and Titles, and to the Press:—

Resolved:—"The Council of the Incorporated Law Society of Ireland desire to call the attention of the authorities to the great delay in registering titles in the Registration of Title Office. The Council understand that the present staff are able to deal only with 13,000 registrations annually, whilst the average number coming from the Irish Land Commission alone amounts to 16,000, and the Council understand that there are at present arrears consisting approximately of 18,500 first registrations untouched, and 5,000 unmapped, as well as 5,000 first registration of labourers' cottages untouched, and 3,500 completed except for clerical work. Under present circumstances, therefore, these large arrears cannot be cleared off, and there must be a further large increase of arrears each year. The Council consider that this is a very grave matter, causing expense and embarrassment to small owners who are compelled by law to register their titles, but who are prevented by the delay to which attention is drawn, from dealing with their holdings as registered land. The Council understand that it is the intention of the authorities to increase the staff when new buildings have been completed, but as the foundations of these buildings have not yet been laid, the postponement of augmenting the staff until the completion of the buildings would result, in the opinion of the Council, in such an accumulation of arrears as would endanger the whole working of registration of titles. The Council understand that an increased staff could be temporarily accommodated in unused offices of the Land Judge's Court, and they urge upon the authorities to make such an immediate increase of the staff as will

enable the arrears to be cleared off, and the work of the office to be brought up to date."

Debating Society.

In reply to the request of the Debating Society, the Council granted the use of the Hall of the Society for the opening meeting.

Court of Examiners.

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

Coroners' Inquests.

The consideration of a report from the Parliamentary Committee upon the subject of representation at Coroners' inquests of representatives of deceased workmen, and of the societies or unions to which they belong was adjourned till next meeting.

The Death of the Lord Chancellor of Ireland.

THE Council passed the following resolution, and a copy was sent to Lady Walker:—

Resolved:—"The Council of the Incorporated Law Society of Ireland desire to express their deep regret at the death of the Right Hon. Sir Samuel Walker, Bart., Lord Chancellor of Ireland, and to convey to Lady Walker and to the members of his family an assurance of their profound sympathy with them in their bereavement."

A letter was received from Lady Walker in acknowledgment, expressing her sincere thanks.

New Members.

THE following joined the Society since July, 1911:—

Galbraith, Hugh, 5 Sth. Frederick Street, Dublin.

McCourt, John E., Downpatrick.

Nicolls, George S., Galway.

Porter, George M., 39 Fleet Street, Dublin.

Smyth, Arthur Blood, Cootehill.

Stapleton, Cecil G., 29 Molesworth Street, Dublin.

Council Meetings.

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

November 1st, 15th and 29th.
December 6th and 13th.

Committee Meetings.

THE following Committee meetings were held during October:—

Court of Examiners, 2nd, 16th and 30th.
Costs, 17th and 26th.
Parliamentary, 17th.
Report, 23rd.
Court and Offices, 24th.
House, Library and Finance, 27th.

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 Tuesday, the 21st day of November, 1911. Ballot papers sent by post should be posted so as to reach the Secretary not later than one o'clock p.m., on Tuesday, the 21st day of November, 1911.

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, in the Solicitors' Buildings, Four Courts, on Monday, the 27th day of November, 1911, at the hour of two o'clock p.m. The Report of the outgoing Council will be submitted for adoption.

Legal Appointment.

MR. HUGH C. COCHRANE, Solicitor, Strabane, has been appointed Sub-Sheriff of the County Donegal, in room of the late Mr. John S. McCay, Solicitor.

Obituary.

MR. FRANCIS MCQUAID, Solicitor, Naas, Co. Kildare, died upon the 6th September, 1911, at Dublin.

Mr. McQuaid, who served his apprenticeship with Mr. Daniel O'C. Miley, 16 Dame Street, Dublin, was admitted in Trinity Sittings, 1902, and practised at Naas.

MR. WILLIAM MILWARD JONES, Solicitor, Dublin, died upon the 18th September, 1911, at his residence, Rosebank, Rathfarnham, Co. Dublin.

Mr. Jones, who served his apprenticeship with the late Mr. Daniel Molloy, York Street, Dublin, was admitted in Trinity Term, 1855, and practised at 6 Dawson Street, Dublin, latterly in partnership with Mr. Alexander C. Cameron (who carries on the business), under the style of Milward Jones and Cameron.

Mr. Jones was a member of the Council of the Incorporated Law Society from the year 1877 to 1888, and filled the office of Vice-President of the Society in 1886-87.

MR. JOHN S. MCCAY, Solicitor, Londonderry, died upon the 3rd October, 1911, at Londonderry.

Mr. McCay, who served his apprenticeship with his father, the late Mr. Henry McCay, Solicitor, Londonderry, was admitted in Trinity Term, 1861, and practised in Londonderry. He was appointed Sub-Sheriff for County Donegal in 1865, and filled the position continuously (save for one year) up to the time of his death.

MR. ROBERT J. B. MORROW, Solicitor, Belfast, died upon the 9th October, 1911, at his father's residence, 74 Fitzroy Avenue, Belfast.

Mr. Morrow, who served his apprenticeship with Mr. George W. Strahan, Belfast, was admitted in Hilary Sittings, 1899.

MR. AYLWARD O. B. O'CONNOR, Solicitor, died upon the 12th October, 1911, at Kingstown, County Dublin.

Mr. O'Connor, who served his apprenticeship with the late Mr. Richard Atkinson, 15 Merchant's Quay, Dublin, was admitted in Easter Term, 1863, and practised up to the year 1899 (when he retired), in partnership with his son, Mr. Aylward R. O'Connor (who carries on the business) at 11 Hume Street, Dublin, under the style of O'Connor & Son.

MR. JOHN MALLINS, Solicitor, Ramelton, Co. Donegal, died upon the 19th October, 1911, at Ramelton.

Mr. Mallins was admitted in Easter Term, 1871, under the special provisions of 30 & 31 Vic., Cap. 114, Section 26, and practised at Ramelton.

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
	1911	
Galway ...	Nov. 7th	Co. Galway
Ennis ...	„ 9th	Co. Clare
Dublin ...	„ 16th	Leinster (part of)
Enniskillen ...	„ 21st	Co. Fermanagh
Omagh ...	„ 23rd	Co. Tyrone
Belfast ...	„ 28th	Cos. Antrim and Down
Dublin ...	Dec. 7th	Leinster (part of)
Dublin ...	„ 15th	Leinster (part of)

Winter Assizes, 1911.

The Winter Assize counties for the year 1911 are as follows:—

Ulster (at which the Lord Chief Baron will preside).—The Ulster Winter Assizes, for the County Antrim, City of Belfast, County Down, County Armagh, County Monaghan, County Donegal, the County and the City of Londonderry, County Fermanagh, County Tyrone, and the County Cavan, will be held at Belfast.

Munster (at which the Lord Chief Justice will preside).—The Assizes for Munster will be held at Cork for the County and City of Waterford, County Kerry, County and City of Cork, and the North and South Ridings of the County Tipperary.

Leinster (at which the Right Hon. Mr. Justice Gibson will preside).—The Leinster Winter Assizes will be held in the Commission Court, Green Street, Dublin, for the Counties of Dublin, Kilkenny, Queen's County, King's County, Meath, Westmeath, Louth, Longford, Wicklow, Kildare, Wexford and Carlow.

Connaught (at which the Hon. Mr. Justice Dodd will preside).—The Winter Assizes for Connaught will be held at Limerick for the Counties of Leitrim, Galway, Mayo, Roscommon, Sligo, Clare, Limerick, and the City of Limerick.

New Solicitors.

ADMISSIONS DURING AUGUST, SEPTEMBER AND OCTOBER, 1911.

Name	Served Apprenticeship to
Campbell, John P. V.	Arthur E. Bradley, Dublin.
O'Hanlon, Henry A. B.	Edward V. Garland and William E. Garland, Dublin
Ryan, William George	John H. Walsh, Dublin.
Steen, Ambrose	Frank Fottrell, Dublin.

Examination Results.

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

CLASS I.

1. Arthur C. J. Cox.
2. Cyril L. Baker.
3. Thomas Arkins.
4. Joseph G. O'Kane.
5. Laurence Conroy (Jun.).
6. Joseph A. Donnelly.
7. Ernest W. Proud.

CLASS II.

A. Harold Allen.

Twelve candidates attended; eight passed, four were postponed.

Solicitors' Apprentices' Debating Society.

THE opening meeting of the 1911-12 Session was held in the Hall of the Incorporated Law Society upon the 30th October, 1911, and was presided over by the President of the Incorporated Law Society (Mr. F. W. Meredith).

The Auditor (Mr. Thomas Arkins, M.A.) read an inaugural address on "Industrial Disputes."

The first resolution, "That the best thanks of the Society be given to the Auditor for his address, and that it be printed at the expense of the Society," was moved by Mr. A. M. Sullivan, K.C., and seconded by Mr. R. Jones, J.P.

The second resolution, "That the Solicitors' Apprentices' Debating Society is worthy of the support of the Solicitors' Apprentices of Ireland, the Council of the Incorporated Law Society, and the Solicitors' profession," was moved by Professor Kettle, and seconded

by Mr. James O'Connor, K.C.; and after the President had addressed the meeting, the proceedings terminated.

The weekly meetings of the Debating Society will be held upon Monday evenings, at eight o'clock p.m., in the Antient Concert Rooms, Great Brunswick Street. The Honorary Secretary of the Society for 1911-12 Session is Mr. C. C. Shaw, 35 Dame Street, Dublin, with whom apprentices desirous of joining the Society should communicate.

Dates of Examinations.

THE following are the dates of the January, 1912, examinations:—

January 3rd, 4th and 5th.—Final (notice to be lodged before 6th December).

January 8th and 9th.—Preliminary (notice to be lodged before 10th December).

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

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EXPERIENCED Solicitor, with capital, desires Partnership in good city office, or would Purchase Practice on retirement or otherwise.—Replies to B.C., c/o Hely's Limited.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COUNCIL AND OFFICERS FOR YEAR ENDING
26TH NOVEMBER, 1912.

President :

GERALD BYRNE.

Vice-Presidents :

IGNATIUS J. RICE.

R. BLAIR WHITE.

Ordinary Members :

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WILLIAM J. SHANNON.	JAMES A. DENNING.	CHARLES G. GAMBLE.
RICHARD A. MACNAMARA.	HENRY J. SYNNOTT.	ARTHUR E. BRADLEY.
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JOHN W. RICHARDS.	JAMES HENRY.	
CHARLES ST. G. ORPEN.	GEORGE H. LYSER.	

Provincial Delegates :

Ulster—THOMAS M. GREER.

Leinster—MICHAEL BUGGY.

Munster—HENRY BLACKALL.

Connaught—WILLIAM P. KELLY.

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Northern Law Society.

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JOSEPH ALLEN.
MARTIN J. BURKE.
JOHN D. COATES.
GEORGE B. WILKINS.

Southern Law Association.

W. GUEST LANE.
ALFRED BLAKE.
FREDERICK HALL.
ARTHUR H. JULIAN.
WALTER THORNHILL.

Treasurers :

THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND.

Secretary :

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 6.]

December, 1911.

[FOR CIRCULATION
AMONGST MEMBERS.

Half-Yearly General Meeting.

THE Half-Yearly Meeting of the members of the Incorporated Law Society of Ireland was held 27th November in the Hall of the Society at the Four Courts. The chair was occupied by Mr. Frederick W. Meredith, President of the Society. Amongst those present were:—

Messrs. A. E. Bradley, R. G. Warren, R. A. Macnamara, W. S. Hayes, W. J. Shannon, Sir G. Roche, George Collins, Gerald Byrne, F. C. E. Bland, R. S. Reeves, W. V. Seddall, Sir J. P. Lynch, C. St. G. Orpen, J. W. Richards, J. A. Denning, P. J. Brady, M.P.; G. H. Lyster, H. J. Synnott, C. A. Stanuall, I. J. Rice, James Henry, R. Blair White, C. G. Gamble, T. C. Franks, A. Lloyd-Blood, P. K. White, James Moore, William J. Byrne, D. A. Quaid, H. C. Neilson (Jun.), D. B. Dunne, J. W. Davis, J. M. Whelan (Roscommon), W. J. Ryan, John Read, William Read, James Brady, F. S. D. Colquhoun, R. A. O'Brien, A. D. Orr, H. R. Maunsell, J. J. Cartan, W. G. Bradley, F. H. Croskerry, W. J. G. White, E. M'Neill, B. M. O'Grady, A. H. Burne, H. H. Bonass, E. H. Burne, T. H. R. Craig, S. Kerr, C. J. Reddy, E. N. Edwards, W. H. Fry, N. L. Moran, E. F. Collins, J. G. Perry, E. S. Lowe (jun.), M. Corrigan, F. E. Berningham, J. L. Burke, J. R. Stritch, G. M. Collins, J. V. Murphy, J. G. Lidwell, T. H. Hayes, A. H. S. Orpen, J. W. Dyas, J. E. MacDermott, P. Seales, C. Corcoran, T. W. Fitzgerald, R. W. MacNeice, R. A. Andrews, T. A. Ireland, J. J. Beatty, W. Beatty, E. R. Bate, J. S. Vanston, E. Barron, W. H. Spence.

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

held upon the 16th May, which latter were signed by the President, who also signed the audited accounts of the Society for the year ending 30th April, 1911.

The report of the scrutineers of the ballot for election of Council for the year ending the 26th November, 1912, 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; William P. Kelly, 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:—W. S. Hayes, 250; W. J. Shannon, 243; R. A. Macnamara, 242; George Collins, 240; Sir G. Roche, 235; Sir A. F. Baker, 224; P. J. Brady, 221; W. Fry, 216; G. Byrne, 213; J. W. Richards, 213; C. St. G. Orpen, 210; F. C. Bland, 209; J. A. Denning, 208; H. J. Synnott, 207; F. W. Meredith, 207; Sir J. P. Lynch, 205; J. E. MacDermott, 197; W. V. Seddall, 196; R. S. Reeves, 195; I. J. Rice, 191; James Henry, 190; G. H. Lyster, 182; R. G. Warren, 181; C. Gamble, 175; A. E. Bradley, 172; C. A. Stanuall, 172; T. C. Franks, 159; R. B. White, 154; A. V. Montgomery, 149; A. Lloyd-Blood, 147; James Moore, 132; and the following to form a supplemental list to fill vacancies: J. G. Fottrell, 129; T. W. Fitzgerald, 128; R. A. Andrews, 98.

THE PRESIDENT, in moving the adoption of the Annual Report of the Council, said:—Many matters of interest to the Society were dealt with during the twelve months, and your Council did their best to

safeguard your interests. The year has been a memorable one, and your Council took their part in the stirring events. First, we had the Coronation of Their Majesties the King and Queen, and your President, as your representative, at the invitation of His Majesty, attended at Westminster Abbey for the ceremony of the Coronation. Then we had the visit of Their Majesties to this country, where they were received with enthusiasm by all classes. Your President, and several members of the Council, acted as Vice-Presidents or members of the Council of the Citizens' Reception Committee, which did so much to make Their Majesties' visit a success. The Council, on your behalf, prepared an address of welcome to Their Majesties, and your President, with the Secretary, attended and handed it to His Majesty. When the Association of Chambers of Commerce of the United Kingdom paid a visit to this country, your President attended at the welcome which was accorded to them; indeed, I may say that at every event of public interest, not political, which happened during the year this Society was represented. I have now to refer to the great loss which the whole public and this Society sustained in the death of the late Lord Chancellor, Sir Samuel Walker. (Hear, hear.) He was always most friendly disposed to solicitors, and he took a great interest in this Society, and was ever ready to listen sympathetically to any representations which we had to make to him. (Hear, hear.) At the opening of these sittings I attended in the Court of Appeal, and on your behalf joined in the solemn and dignified tribute which was paid to his memory. To his successor, the present Lord Chancellor, I have conveyed on your behalf your keen appreciation of his qualities. He is a lawyer of great ability and learning, absolutely fair-minded, and full of sympathy for both branches of the legal profession. (Hear, hear.) He has already shown his interest in this Society by honouring your President and Council with his presence at their annual official dinner, which was held here a few nights ago.

Turning to the Report, I regret that the County Courts (Ireland) Bill, which was introduced in the House of Commons by a member of your Council, and which would have been a great advantage to the working

of the County Courts throughout Ireland, has not become law. It has sometimes been said that we solicitors are opposed to reform in procedure. Here we have proposed the reform ourselves, but have been met by persistent opposition. We have not referred in our Report to our duties in connection with the rule-making authority, because no rules of any great moment to solicitors have been passed during the year. I may say, however, that I attended meetings of the judges several times, and in the few unimportant rules which were passed I looked after your interests. I found all His Majesty's judges most willing to listen to what I had to say on behalf of our profession. You will see by Paragraph 8 of our Report that our differences with the Local Government Board have not yet been settled. I do not desire to dwell much on this matter at present, because only on Wednesday last I had an interview with the Vice-President of the Board, and I am in hopes that some, at all events, of our views may meet with acceptance. I will, however, say this—it would be the greatest possible mistake, in the interest of the public and the profession, to try and cut down solicitors' fees below a fair remuneration for their work. We have now in Ireland a body of solicitors, men of education, ability, and rectitude, who compare favourably with any other similar body, but if the fees of solicitors are cut down so low as to prevent them earning a reasonable professional income, the public will no longer have men of like stamp joining the ranks of solicitors, and this will react most seriously against the interests of the country. (Applause.) You will see that a reform in the mode of dealing with Government Securities, which this Society advocated for several years, has at last been adopted by the Government.

In Paragraph 11 we draw attention to the decrease of agreements for sale under the Irish Land Purchase Acts entered into since the passing of the Act of 1909. We are not politicians, and we have nothing to do with the merits of the Act; but we, with all Irishmen, desire to see our country prosperous and contented, and we regret the halt which has come in land purchase. When the Act of 1903 was passed we joined whole-heartedly in trying to make land purchase a success,

and we still desire to do our best to make it so. The very serious delays in the Registration of Titles Office having frequently come under the notice of your Council, we inquired into the matter and ascertained the facts, and, then as you will see from the Report, we passed a strong resolution, which we forwarded to the various authorities, and we must have made our case very clear, for without any delay the request for an increase in the staff, which was heretofore neglected, was at once acceded to. In the defence of the rights of our profession, your Council have not shirked their responsibilities, however trying, and no matter who the personages might be who, wittingly or unwittingly, sought to attack them. You will see this by the paragraph relating to Coroners' Courts, which I commend to your consideration. This is the first year I have acted on the Statutory Committee, but I feel from my experience that I am entitled to say that I look upon that Committee as one of great importance to the public and to our profession. The public who avail themselves of it always get unbiassed and speedy justice. I am glad to say that the vast majority of complaints made against our brethren are fanciful, and seldom go beyond the Committee. (Hear, hear.) I will not detain you by going in detail into the various other matters dealt with by the Report. I am glad that the membership of the Society has increased; it is now over 800, this being the highest number on record—(applause)—but we want it to still further increase, until, as we hope, every member of the profession will also be a member of the Society. (Hear, hear.) In the Report you will find paragraphs dealing with the Belfast Corporation Bill, the assessment of increment value duty, the Finance Bill, Guaranteed Land Stock, the Taxing Office, Parliamentary elections, questions of costs, and various other matters of interest to the profession which have engaged the attention of your Council during the year. It has been a busy one, and the work entailed has occupied a great deal of the time of your Council, which they have willingly given for the benefit of their profession. We trust you will believe that we have during our term of office endeavoured to look after your interests, and to uphold the honour and dignity of the Society. In

conclusion, I wish to thank my fellow-members of the outgoing Council for the consideration, invariable courtesy, and assistance they have ungrudgingly afforded me in the discharge of my duties. I move the adoption of the report. (Applause.)

MR. BRADLEY (Vice-President): I beg to second the motion. There is nothing really left for me to say, after the very full manner in which our President has dealt with the various subjects, with the exception, perhaps, of just one matter which probably comes home to myself more than anything else.

I refer to the County Courts (Ireland) Bill. Now, your Council have taken a great deal of trouble in connection with that Bill, and I do not want to say for a moment that it is a perfect Bill; but at all events, the Bill has been approved of by both the Northern and Southern Branches of the Society, approved of by Green Street Sessions Bar, and last, but not least, by the Chamber of Commerce of Dublin; and yet, unfortunately, it has met with opposition in the House. Mr. Brady, who I am very glad to see here to-day, tells me that there is not the slightest possibility of that Bill going through during the present session. But I do hope that the new Council will ask Mr. Brady to re-introduce that Bill in the next Session. If it is introduced I can only trust and hope sincerely that those gentlemen who are blocking it now will realise that the Bill is the best we can do, and will withdraw their opposition, so that it may become law. If it does become law I believe it will be found of immense advantage not only to the profession but to the commerce of this country. (Applause.)

MR. JAMES BRADY: Mr. President, I have listened with some attention to you dealing with the Report. I think the Report is a very interesting one from the point of view of the Solicitors' profession, and contains an amount of work which does great credit to the outgoing Council for their arduous labours during the past twelve months under your guidance.

There are just two matters in the Report to which I wish to refer.

I refer first of all to the County Courts Bill. There appears to me to be a dog-in-the-manger policy in reference to the County Courts

procedure in Ireland for some time past. The public after all are really the people interested and concerned in this matter. We only endeavour to relieve them of the unquestionable defects that exist with regard to the present County Courts procedure in Ireland. Now this dog-in-the-manger policy is being pursued, and the pretence is that it is being pursued in the public interest. I don't agree with that at all. I believe it is being pursued by reason of personal interests involved and not public interests. So far as the procedure in two or three of the County Courts in Ireland and the Recorder's Courts is concerned, after the issuing of a Civil Bill now, where a defence is entered, it really means that one could carry through a very involved and troublesome Chancery suit in the time that is now occupied in having a Civil Bill decreed obtained, where a defence is entered. That is a shocking and deplorable condition of affairs, and whoever is responsible for it deserves, in my opinion, grave censure; and there ought to be no hesitation, if the Council are aware who the opponent of the measure is, in naming him to the public, and let them know who is behind all this humbug. The Chamber of Commerce has approved of the Bill which this Society, after great labour, got introduced by my friend Mr. Brady into the House. I understood, too, that all the mercantile associations throughout Ireland have given their approval to this Bill. Why is it opposed? The public growl and say, "You never bother about County Courts procedure nowadays. We never get a decree. We never hear the end of our case. The result is that when we do obtain a decree, it has taken such a long time to obtain it that recovery is hopeless—absolutely hopeless." Now, I do not desire to name anybody in particular in regard to this matter, but I say that practitioners in the County Courts have suffered very severely the burthen of this delay. The whole County Courts procedure in Ireland is suffering from the defects. If the Government were worth their salt they should make this a Government measure in the public interest and not allow these people to adopt the dog-in-the-manger policy. I wish the public to understand that so far as this Society is concerned, we throw the onus on the public now to remedy the evil. We have done our best—many of us have got

into disrepute and bad odour with the powers that be, because we took the manly stand which several members of the Council did on different occasions. Our action has gone as far as we can possibly put it. It now rests with the public themselves to insist that the present deadlock shall cease, and that a remedy shall at once be obtained in the public interest. (Hear, hear.) I will say no more on that subject, but if it arises here again, and if I can get any information as to who this dog-in-the-manger is, I will call for a special meeting of the Society and have the whole thing discussed here in public.

I am very pleased to see that the Council during the year have taken very proper steps with reference to persons appearing at different inquiries and in different Courts other than Solicitors. Great efforts have been made for some years past—efforts which strange to say are assisted by the Treasury who nobble all our licence and other duties—to facilitate gentlemen who call themselves Trades Unionists acting in the interests of those Trades Unionists in the capacity of what they would call, if anybody interfered with their little pickings, "blacklegs," or "scab" labourers. These gentlemen forget—no doubt some of them are very able men and deserve very great consideration—but I must tell them as a Trades Unionist myself and belonging to a body that is a real, genuine Trades Union body in a sense, that I am not going to allow them to act "blackleg." If any of them wish to join the profession I will be willing and always anxious to stand beside them, but I will protest whenever this effort is made by a Secretary or President, or any other person who is not a licensed advocate, to appear in the interest of any person or any body. I am sure I will have the honour of Mr. Gerald Byrne's company, as I had some years ago, when, with the assistance of this Council, we endeavoured to prevent and succeeded in preventing the Government passing a measure which would have given assistance to Trades Union officials to represent their bodies at legal inquiries, such as Coroners' inquests. So long as we have to pay the big fees attaching to our profession we ought not to allow these encroachments on our profession. No one will be more strenuous to down them than I will be when they endeavour to encroach as

blacklegs and scabs on my profession. (Hear, hear.)

MR. DAVID A. QUAID: While deeply interested in the position of the County Courts (Ireland) Bill, I cannot quite follow the reference made by my friend Mr. Brady to the deadlock in the procedure of the County Courts. No doubt there may be a congestion of business in the Court we are probably very much interested in here locally; but it is entirely owing to the immensity of work thrown upon the distinguished Judge who presides over that Court, and to no other cause whatever.

What I am interested in principally is that the Report which is before you makes no allusion whatever to the continued neglect of the claims of this profession by the Executive Government in regard to the members of the profession being preferred before other classes for administering Petty Sessions law throughout the country. I have a return made to Parliament on the motion of Mr. MacVeagh, and I find from it an extraordinary state of affairs. I find that there are about 66 Resident Magistrates, and of these there are only seven Solicitors. Two of them, I think, have only been appointed quite recently. The qualifications of most of the others are of a startling kind, and I have tried to analyse them. I find that 22 Resident Magistrates are ex-R.I.C. officers, and 16 are Barristers-at-Law. I think, however, that Solicitors would be of greater service than Barristers in administering the Petty Sessions system. I find that the remainder of these gentlemen are military gentlemen, a ship and quay owner, Civil Servants, in Commission of the Peace, "served in Militia," Constabulary Officer. These seem to be the qualifications that appeal to the Executive Government. To my mind the contempt which obtains in a great many parts of Ireland for the Criminal Law is entirely owing to the fact that the gentlemen appointed by the Executive Government do not understand the law they are administering, and do not understand the people for whom they are supposed to be administering the law. We should protest most strongly at the practical exclusion by the Executive Government of this profession from its proper share. I hope that next year we will be able to secure more than two positions.

THE PRESIDENT: There were four Solicitors appointed last year.

MR. CRAIG: I think this question of Civil Bill procedure in Ireland is a very important one, and I do not agree with Mr. Brady that it is a matter that does not concern our profession. I think it is a matter that concerns our profession vitally. In support of that I would like to give you two or three figures.

In the recent return issued of civil business, I find that in 1910 there were 14,540 writs issued in the High Court of Justice. Now we all know that every action that is commenced in the King's Bench Division—that there is a record of every writ issued, because there is a 2s. stamp on it. But in the Civil Bill Court there is no record of every Civil Bill issued, because the only record kept is the number of cases entered for hearing before the Court, which in the County and City of Dublin alone for last year was 6,799, or in other words, in Dublin City and County we were dealing with nearly half as many actions entered for hearing as there were writs issued in the whole of Ireland. One other set of figures. The number of Civil Bills entered for hearing in the whole of Ireland was 82,153, above five times as many as there were High Court writs issued. The amounts recovered by Civil Bill and ejection decrees, or rather the amounts of the cases which were entered for hearing, were £317,646. Taking into account a reasonable figure for Civil Bills issued and paid before entry, we may put the total amount at £467,646 dealt with by the Civil Bill Courts in Ireland. Can anyone say that is not an important subject for our profession to deal with? (Hear, hear.) I want to ask what steps do the Council intend to take in reference to this Bill which has been going on now since 1895. Surely there is some method by which this persistent opposition could be put an end to. Is there any real reason why the names of the opponents of the present measure should not be known—why the public should not know who are opposing the Bill? The Bill has been approved of by the practitioners, by the Mercantile Association, and the Chamber of Commerce, and it was introduced as everybody's child, and yet somebody saying "I object to this Bill," puts a stop to the whole thing. I have been trying to get that

information as a matter of curiosity, to see what could be done to overcome this opposition. Could not we meet them in some way? Dublin County Court practitioners were told that, if the opposition was gone on with, a deputation from this body would be appointed to wait on the Chief Secretary to see if this could not be made a Government measure. Has anything been done about that? If not, why not?

Another matter I would like to refer to is the congestion of business in the Recorder's Court—a matter that a great deal has been said about. Blame has been put upon one body or another. Undoubtedly there is congestion there, and undoubtedly that congestion will continue. Now, have the Council considered how this can be got over? Do they propose to see the Recorder about it to see if he has any suggestion to make, or if any suggestion can be made to him? Surely it does not pass the wit of man to find a remedy. Surely it is not right that in the capital city of Dublin cases that are started in July will not come on till December, and probably will go on for three months in the ensuing year before they will be heard (Hear, hear.)

MR. C. A. STANUELL: There is one matter I would like to refer to. That is, the question of Guaranteed Land Stock. A question was asked in the House of Commons in, I think, March or April last, and it was represented that there was a very serious loss to the land owners of Ireland by the sale of what is called "immature" stock. The answer of Mr. Birrell was to the effect that all the landlord had to do was to wait until the "immature" Stock had passed its first gale day and then sell it as mature. That was thought a very satisfactory answer, and no further attention was paid to the subject. But we all know, though the public don't, that this does not affect the real difficulty is the case. The fact is that the owner does not sell the Stock, and has no control over the Stock. I will take a case in which the figures will prove this. An estate was sold for £35,000. The incumbrances upon that property amounted to £25,000. The Estates Commissioners, in strict procedure with the terms of the Act, sold £25,000 worth of immature Stock to pay off the incumbrances. The unfortunate owner had nothing whatever

to say to the case—it was sold by an irresponsible body. Owing to the Stock being immature it could not be registered in London at all, or could not come within the ordinary rules of the Stock Exchange. The result was that the best price that could be obtained for the £25,000 Stock was 4 per cent. below the ordinary quotation of matured Stock in the market. The consequence was, I need not say, that on the £25,000 there was a loss of exactly £1,000, which had to be deducted from the unfortunate owner's surplus. It is not a question of merely losing the dividend, as Mr. Birrell told us—it is the fact that the man who purchased it had to hold that Stock probably in a falling market until the gale day came. I don't wish to labour that point. I only wish to say that this system of immature Stock not being transferable at once, there is no register in the Bank of England. Under these circumstances the Council prepared this memorandum, in which they suggest—

"That the National Debt Commissioners should authorise the Bank of Ireland to convert, at the request of the Irish Land Commission, Immature Stock into Mature Stock on payment to the Bank of the full half-year's dividend on the Stock; such dividend to be provided out of the proceeds of the sale of the Stock."

Copies of the Council's Memorandum were sent to the Secretary of the Treasury, the Chief Secretary for Ireland, the Irish Land Commission, and the Bank of Ireland. This was in May, and "the Council hope their suggestion will receive favourable consideration," but they have not received any definite reply yet.

THE PRESIDENT: I am sure we are all deeply indebted to Mr. Brady, Mr. Quaid, and Mr. Craig. As far as Mr. Brady is concerned he has acquitted this Council, because he says we have done our best, collectively and individually, to get the Bill passed. As regards the appointments Mr. Quaid referred to, we got four in 1910. With regard to what Mr. Craig says, I cannot answer for the new Council, but I believe fully they will do their best to get the Bill passed. I know, as far as I am concerned, as a humble member of the Council, I will do my best.

MR. JAMES BRADY: We will "wait and see." (Laughter.)

THE PRESIDENT: I am afraid that is what you will have to do. I now put to the meeting the motion for the adoption of the Report.

THE PRESIDENT: The Report is adopted.

MR. ARTHUR E. BRADLEY (Vice-President) having been moved to the second chair,

MR. R. S. REEVES said: I know it is on everyone's mind that we ought to give great thanks to our outgoing President. (Hear, hear). He has done everything he could for us. I had the privilege of acting under him several times, and no one could have behaved better in his Presidential office. I don't think you could have had a better President. Therefore, I beg to propose that the best thanks of the Society be given to him for the manner in which he presided to-day, as well as for the manner in which he has discharged all the duties of his office.

MR. CRAIG: I beg to second the vote of thanks. I am perfectly certain the President has done everything he could to keep the interests of the Solicitors' profession well to the front.

MR. BRADLEY then put the vote of thanks, which was passed with acclamation.

THE PRESIDENT: Mr. Reeves and gentlemen, I thank you most warmly for the very kind words you have said about me. My task has been made easy and light by the loyalty of my fellow-members of the Council. I do not think there is a more loyal body anywhere than is this Council to their President for the time being, and I thank you all sincerely for the great assistance which you have given me all through my year of office, without which it would have been impossible for me to have discharged my duties. (Applause.)

The proceedings then terminated.

Meetings of the Council.

November 1st.

The late Mr. R. P. Vowell.

It was resolved that an expression of the deep sympathy of the Council should be conveyed to Mrs. Vowell upon the occasion of the death of her husband, Mr. R. P.

Vowell, an official of the Irish Land Commission, with whom members of the profession frequently came into contact.

Retirement of Mr. W. H. Drennan, I.S.O.

The following resolution was adopted, and a copy was directed to be sent to Mr. Drennan:—

"The Council of the Incorporated Law Society of Ireland have learned with much regret that Mr. W. H. Drennan, I.S.O., has ceased to be First Assistant Registrar in the Registry of Deeds Office, Dublin, a post which he has so ably filled for many years."

Mr. Drennan was an officer with whom it was a pleasure to transact business. He was both efficient and painstaking, and the Council wish to place on record their keen appreciation of the courtesy which he always showed and the kind assistance he gave to Solicitors whose business brought them into contact with him in the Registry of Deeds Office.

Registration of Title Office.

A letter was read in reply from Mr. Justice Madden expressing his agreement with the resolution of the Council in reference to the necessity of an immediate increase of the staff in the Registration of Title Office, and stating he had sent a copy of it to the Treasury in support of his application for an increased staff, which application he had made more than once previously.

A letter was read in reply from the Under Secretary for Ireland stating that His Excellency had been informed by the Treasury that an increase to the staff of the Land Registry had been sanctioned.

Finance (1909-10) Act, 1910.

A letter in reply was read from the English Law Society stating that the Council of that Society had recommended the profession to charge for the filling of Form IV. on a *quantum meruit* basis.

It was resolved that the Council should make a similar recommendation to the profession in Ireland.

Court of Examiners.

The Report of the Court of Examiners upon the October Preliminary and Final Examinations and as to the award of the Findlater

Scholarships was submitted and adopted. The list of the successful candidates appears in this GAZETTE.

A report of the Court of Examiners upon application by a law clerk for leave to be bound under Section 16 was considered, and the application was granted.

Coroners' Inquests.

A Report was submitted from the Parliamentary Committee in reference to the representation of relations of deceased workmen, or of the Societies to which they may belong, at Coroners' inquests, and the following resolution was adopted and a copy was directed to be sent to every Coroner in Ireland :—

“The Council of the Incorporated Law Society of Ireland have recently had their attention drawn to the circular of the 17th August, 1908, issued by His Excellency the Lord Lieutenant to Coroners. The Council consider the suggestion therein contained that in certain cases where there is no statutable provision for the purpose, Coroners should permit persons other than Solicitors or Barristers to appear and examine witnesses on behalf of the representatives of deceased or his fellow-workmen is highly objectionable, and that if adopted by Coroners it would lower the dignity of the Court, would lead to confusion of practice, and would add to the difficulties of Coroners. The examination and cross-examination of witnesses, confining the witness to relevant matters and so preventing waste of time, can only be properly conducted by persons trained in the application of the law of evidence, and the addressing of the Court by unqualified persons must tend to lower the authority of the Court, and to expose the proceedings to contempt and lead to the waste of public time.

“The Council desire to impress on Coroners that even in cases where non-professional persons are permitted by statute to appear at inquests, such permission is absolutely subject to the discretion of the Coroner to grant or refuse same.”

Easter and Whitsuntide Court Holidays.

A Report was submitted from the Court

and Officers' Committee in reference to the frequent occurrence during the Easter and Trinity Court Sittings of the Easter and Whitsuntide, holidays. It was resolved to request the rule-making authority to alter Order LXIII., Rule 1, so as to provide, as in the corresponding English rule, for the termination of Hilary and Easter Sittings, and the commencement of Easter and Trinity Sittings to be regulated by the dates of Easter and Whitsuntide, and so secure that the Court holidays would occur during the respective vacations: It was decided to ask the Bar Council to pass a resolution in favour of the suggested alteration, and a memorandum dealing with the matter, submitted by the Committee was approved of, and copies directed to be sent to the rule-making authority and the Bar Council.

Annual Report.

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

November 8th.

Clerk of Crown and Peace, Co. Cork, W.R.

A special meeting of the Council was held this day, and the following resolution was adopted, and copies directed to be sent to His Excellency the Lord Lieutenant, the Lord Chancellor, the Chief Secretary, and the Law Officers :—

“A vacancy having occurred in the office of Clerk of the Crown and Peace of the West Riding of County Cork, the Council of the Incorporated Law Society of Ireland desire strongly to urge upon His Majesty's Government that the appointment cannot now be conferred upon anyone save a practising Solicitor of six years standing, as contemplated by the County Officers and Courts (Ireland) Act, 1877, exception being made in that Act only in favour of then existing officers, and in the opinion of the Council there is no one now qualified within the terms of the Act save a practising Solicitor.”

November 15th.

The late Mr. R. P. Vowell.

A letter in reply was read from Mrs. Vowell thanking the Council for their resolution of sympathy.

Mr. W. H. Drennan, I.S.O.

A letter in reply was read from Mr. W. H. Drennan, I.S.O., thanking the Council for their resolution passed upon his retirement from the office of First Assistant Registrar of Deeds.

Clerk of Crown and Peace, Co. Cork, W.R.

Letters were read from the Lord Chancellor, the Chief Secretary, and the Under-Secretary, acknowledging the resolution of the Council passed upon 8th November.

Preliminary Examination.

A letter from the Senate of the National University, in reference to exemption from the Preliminary Examination of this Society of matriculated and other students, was referred to the Court of Examiners.

Land Commission.

A letter was read from a country member asking the Council to take steps towards preventing the frequent practice of unproved wills being used in Land Commission proceedings. A reply was directed stating that as the Land Commission have a statutory power of appointing a limited administrator for the purposes of the Land Acts, the Council could not interfere.

November 29th.

Extra-Ordinary Members.

A letter was read from the Northern Law Society submitting the names of the following members of that Society to be extra-ordinary members of Council:—Mr. J. C. White, Mr. Joseph Allen, Mr. Martin J. Burke, Mr. J. D. Coates, and Mr. G. B. Wilkins.

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. A. Blake, Mr. F. Hall, Mr. A. H. Julian, and Mr. W. Thornhill.

The ten members nominated were declared duly elected as the ten extra-ordinary members of the Council for the year ending 26th November, 1912.

Finance Act.

A letter was read from a member asking the opinion of the Council as to whether a

Solicitor, who also acts as Land Agent, would be entitled to charge remuneration for filling up Form IV. A reply was directed stating that the Council are of opinion that a Solicitor acting as Land Agent is entitled to remuneration as a Solicitor for filling up the form, the costs to be drawn upon a *quantum meruit* basis.

Labourers Acts.

The President reported that at the request of the Local Government Board he had had an interview upon the 22nd inst. with the Vice-President of the Board in reference to a consolidating order to be made under the Labourers Acts, the draft of which had been sent to him. He stated that he had previously conferred with the Committee of the Council in charge of Labourers Acts proceedings in reference to the draft order, in which all the existing rules relative to the work of Solicitors under the Acts are reproduced without alteration or addition, and that he had urged upon the Vice-President of the Local Government Board two matters in connection with the draft consolidating order—(a) the total inadequacy of the fee of half a guinea payable by a District Council to the Solicitor, of a judicial or yearly tenant, or of a tenant who had entered into an agreement to purchase but whose holding is not yet vested, for furnishing title, where portion of his farm is acquired for the purpose of the Acts; and (b) the desirability of providing in the Order adequate remuneration to be paid by District Councils to owner's Solicitors for the preparation of consents necessary to be filed in the Land Commission where the land acquired is the subject of land purchase proceedings. He added that the Vice-President had replied in reference to the first matter (a) that he could not hold out any hope of increasing the present remuneration, and as to the second (b) it had been considered, but in consequence of what the President said it would be again considered.

Debating Society.

It was decided not to award a Gold Medal for composition for the past Session, but to award a prize of books to the writer of the one essay sent in, on the subject of "The British Policy of Free Imports," which subject had been selected by the Council to

be written upon by competitors for the Gold Medal.

The list of subjects for debate at the ensuing Session was submitted and sanctioned.

Preliminary Examination.

A memorial by a Law Clerk seeking a modified preliminary examination under Section 18 was considered, and it was decided that it should not be opposed.

Court of Examiners.

A Report was submitted from the Court of Examiners upon three applications by Law Clerks for leave to be bound under Section 16; two of the applications were granted; the third was refused.

Council Meetings.

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

January 17th and 31st.

Committee Meetings.

THE following Committee Meetings were held during November:—

Gazette, 7th.

Costs, 20th and 28th.

Court of Examiners, 24th.

New Members.

THE following have joined the Society during November:—

Butler, James B., 12 Upper Ormond Quay, Dublin.

O'Connell, Daniel J. M., Skibbereen.

White, John C., 45 Arthur Street, Belfast.

Obituary.

MR. WILLIAM J. FITZGERALD, Solicitor, died upon the 3rd November, 1911, in London.

Mr. Fitzgerald, who served his apprenticeship with the late Mr. John G. McCarthy, M.P., Mallow, was admitted in Trinity Sittings, 1880, and practised at Mallow up to the year 1894, when he was appointed Clerk of the Crown and Peace for the West Riding of County Cork, which office he filled up to the time of his death.

MR. WILLIAM R. CORR, Solicitor, Crossmaglen, Co. Armagh, died upon the 6th November, 1911, at his residence, Urker House, Crossmaglen.

Mr. Corr, who served his apprenticeship with the late Mr. Edward D. Atkinson, Tanderagee, was admitted in Michaelmas Term, 1876, and practised at Crossmaglen in partnership with Mr. John O'Connor (who carries on the business) under the style of Corr and O'Connor.

MR. JOHN K. TOOMEY, Solicitor, Dublin, died upon the 10th November, 1911, in Dublin.

Mr. Toomey, who served his apprenticeship with his father, the late Mr. Mark Toomey, North Cumberland Street, Dublin, was admitted in Trinity Term, 1862, and practised at 4 Upper Ormond Quay, Dublin; in partnership with Mr. Osborne E. Barber, and Mr. Henry K. Toomey (who carry on the business) under the style of Toomey and Barber.

MR. JOHN MCPADDEN, Solicitor, Dublin, died upon the 13th November, 1911, at his residence 66 Lower Gardiner Street, Dublin.

Mr. McPadden, who served his apprenticeship with Mr. Thomas Falls, 62 Upper Sackville Street, Dublin, was admitted in Hilary Sittings, 1800, and practised at 66 Lower Gardiner Street, Dublin.

Commissioners to Administer Oaths.

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

Frank V. Gordon, Solicitor, 5 Clare Street, Dublin.

Herbert C. Gordon, Solicitor, Enniskillen.

Henry M. P. Hare, Solicitor, 46 Kildare Street, Dublin.

Thomas J. Healy, Solicitor, Wexford.

Herbert S. McClelland, Solicitor, 10 Ely Place, Dublin.

James J. Mullan, Solicitor, 24 Dame Street, Dublin.

Patrick J. Sheridan, Solicitor, 12 Suffolk Street, Dublin.

Stuart J. Gillmore, Clerk of Petty Sessions, Dromahair.

Patrick A. Kelly, Clerk of Petty Sessions, Ballyjamesduff.

James J. Kerr, Pharmaceutic Chemist,
Clones.
George A. Knight, Clerk of Petty Sessions,
Clones.
Michael Lucan, Solicitor's Assistant,
Wexford.
Joseph Murphy, Solicitor's Assistant,
Enniskillen.
James B. Stewart, Auctioneer, Ennis-
killen.

New Solicitors.

ADMISSIONS DURING NOVEMBER, 1911.

Name	Served Apprenticeship to
Boumphey, John Tayler	Graham A. Goold, Cork.
Dundon, John Joseph ...	John Dundon, Limerick.
Lardner, Matthew G. R.	James R. Lardner, Monaghan.
Monks, Thomas Francis, junior	Thomas F. Monks, Dublin.
Neilan, Patrick J.	Michael J. Heverin, Roscommon.

Recent Decisions Affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Swinfen-Eady, J.)

In re Meter Cabs, Ltd.

October 25, 26, 1911.—*Solicitor—Costs—Common Law lien—Property recovered for Company—Costs incurred before and after winding-up.*

THIS was a summons in the winding-up of the Meter Cabs Company, Ltd., to determine whether William Walker, Solicitor, had a lien on a sum of £29 5s., which he had recovered for the company, for his costs of recovering it amounting to £23 16s. 9d. In October, 1909, the Meter Cabs Company made a claim against an Insurance Company in respect of a fidelity guarantee policy, and the matter was referred to arbitration. Mr. Walker acted for the Meters Cabs Company.

On January 29, 1910, the Meter Cabs Company went into liquidation. Mr. Walker was thereafter instructed by the liquidators to continue the arbitration proceedings, and eventually, on June 8, he obtained from the

Insurance Co. £29 5s. in settlement of the claim and costs. Mr. Walker's costs were incurred as to £20 before the Meters Cab Co. went into liquidation, and as to the remainder afterwards.

Swinfen-Eady, J., in giving judgment, said:—It is urged that the bulk of these costs were incurred before the company went into liquidation, and that for these costs the liquidator must prove, and that he has no lien for them as against the liquidators. Now it is clear that at common law a Solicitor has a particular lien on a fund recovered by his exertions, as is the case here, and there is no doubt that a common law lien prevails notwithstanding the bankruptcy of the client. His Lordship referred to three cases, and continued:—Those are all cases of the bankruptcy of individuals, but it makes no difference whether the client going bankrupt is an individual or a company. Buckley (9th edit. at p. 398) says, 'semble'—"the Solicitor to a liquidator is entitled to a lien for his costs on a fund recovered in the winding-up through his instrumentality;" and in the recent case of *re Born, Curnock v. Born* (69 L.J. Ch. 669 (1900) 2 Ch. 433) it was held that a Solicitor has a common law lien in the winding-up on a fund recovered for a company before it went into liquidation. That case, I think, covers this. I think Mr. Walker has a lien on the money he has recovered for all his costs incurred in recovering it and for the costs of establishing this claim.

(Reported *The Law Journal*, Vol. xlvi., page 684).

CHANCERY DIVISION.

(Before Meredith, M.R.)

David Donaldson, deceased—Donaldson v. Synnott and Others.

Nov/ 19, 1911.—*Copies of Court Orders as documents of title—Court copies to be furnished.*

IN the above administration suit an order was made on 10th November, 1906, giving the plaintiff liberty, on giving the usual indemnity as to costs, to take proceedings in the name of the defendants, the executors of the surviving executor of the above-named David

Donaldson, deceased, for the recovery of premises in the town of Newtownhamilton, County Armagh, portion of the estate of said deceased, from John Hawthorn.

An action of ejectment was accordingly brought, but on the day of the trial, namely, 13th January, 1909, a consent was entered into subject to the approval of the Master of the Rolls, by which it was agreed that said John Hawthorn should purchase the premises at a price to be fixed by arbitration. Said consent provided that any question that should arise as between vendor and purchaser in the carrying out to completion of the agreement for said sale should be decided by the Master of the Rolls on a summons entitled in said administration suit. No reference was made in said consent as to the documents of title to be handed over on completion of said purchase to the vendor.

By order dated 22nd February, 1909, the Master of the Rolls sanctioned the above sale.

It was arranged between the parties that the name of Susan Hawthorn should be substituted as purchaser for that of John Hawthorn.

The purchase money, as fixed by arbitrator, was paid on 28th April, 1911, and the assignment to purchaser executed on 7th July, 1911.

After completion the purchaser required Court copies of the order for administration of the estate of David Donaldson, deceased, and said orders of 19th November, 1906, and 22nd February, 1909. The vendors refused to supply Court copies, but offered plain copies of said orders.

A summons was issued by the purchaser for the determination by the Master of the Rolls of the question whether she was entitled to such Court copies. The vendor alleged by affidavit that she had only one set of Court copies of said orders, and that same were required for the completion of said administration proceedings.

Held, that the purchaser was entitled to Court copies of said orders at the expense of the plaintiff, and that the plaintiff would be entitled to the costs of same as part of her costs in the suit.

COURT OF APPEAL.

(Before Barry, C., Holmes and Cherry, L.JJ.)

Estate of Anthony MacDermott and Others.

Dec. 1, 1911.—*Costs—Interest on costs under a Judgment—Charging of lands therewith—Interest not mentioned in Judgment.*

APPEAL from an order of the Land Judge, refusing an application by the plaintiffs in the action of *Kenney v. Band* for interest on costs from date of judgment under the following circumstances:—

The plaintiffs in the action *Kenney v. Band*, heard by the Master of the Rolls in 1905, established the validity of a charge of £8,000 secured by a term of 500 years, and were declared by the judgment of the Master of the Rolls to be "entitled to their costs in the said action, said costs, when taxed and ascertained, to be charged upon and payable out of the lands and premises comprised in the term of 500 years created by the Indenture of Settlement of 14th October, 1845, in the schedule hereto mentioned, and to be raised by the Trustees of the said term." Proceedings for the purpose of sale of the said lands having been instituted in the Land Judge's Court, and the matter coming on for allocation, an application was made to the Land Judge for an order that out of the proceeds of the sale the Plaintiffs in the Chancery action might be declared entitled to be paid interest at 4 per cent. from date of judgment on the amount of their costs, which had been taxed and certified upon 27th May, 1909. The Land Judge refused the application.

Held by the Court of Appeal, that the Plaintiffs were entitled, under the judgment of the Master of the Rolls, to be paid interest at 4 per cent. upon their costs of the Chancery action from the date of the certificate of taxation, being the date from which, under said judgment, the costs were ordered to be charged upon the lands.

COURT OF APPEAL.

(Before Barry, C., Holmes and Cherry, L.JJ.)

Estate of R. A. Macnamara.

Nov., 1911.—*Land Purchase—Irish Land Act, 1909, s. 12 (1)—Substituted agreement—Direction to lodge—Old agreement*

*asking advance of whole purchase money—
New agreement providing for lodgment in
cash by tenant—How to be financed—
Bonus.*

THIS was an appeal from a judgment of Wylie, J., answering questions of law submitted to him by the Estates Commissioners, under Section 23 of the Irish Land Act, 1903. An agreement was entered into on the 1st January, 1908, between the vendor and a tenant, James M. Power, for the sale to the latter of his holding for the sum of £1,279; the tenant applying for an advance of the whole of the said purchase money. On the 14th December, 1909, the Commissioners notified the vendor that they were prepared to advance only the sum of £1,100, and asked the vendor whether he would accept that sum. The vendor was willing to accept an advance of that amount if the tenant would bring in the balance, viz., £179, in cash. This the tenant was at first unwilling to do, and the Commissioners, on the 3rd August, 1910, issued a ruling to the tenant's Solicitors, as follows:—"Your client being unwilling to pay in cash £179, being the balance of purchase money over the amount of advance, the Commissioners propose to make a formal order of dismissal on the 10th instant unless in the meantime you notify his readiness to provide the required sum." The time was subsequently extended to the 15th August, 1910, on which date the Commissioners were notified on the part of the tenant that the required sum would be brought in. Whereupon, on the 20th October, 1910, the Commissioners issued the following ruling to the vendor:—"In this case it is proposed that portion of the purchase money shall be lodged in cash by the tenant—such cash payment not having been provided for in the agreement lodged. The Commissioners now direct you to lodge a fresh purchase agreement in substitution for the original purchase agreement providing for the payment of portion of the purchase money in cash." In compliance with this direction the vendor, on the 24th October, 1910, lodged a fresh agreement for the sale and purchase of the said holding for the same sum of £1,279, but providing for the lodgment in cash of £179 thereof, the tenant applying for an advance of £1,100 repayable under the

provisions of the Irish Land Act, 1903, by an annuity calculated at 3½ per cent.

The questions of law submitted to the Judicial Commissioner were:—

"(1.) Can the said last-mentioned agreement be financed as a pending purchase agreement, and will the percentage be payable on the amount advanced at 12 per cent.?"

"(2.) Is the said last-mentioned agreement a fresh purchase agreement entered into in substitution for the original agreement within the meaning of Section 12 (1) of the Irish Land Act, 1909?"

The Judicial Commissioner, following his own previous decision in *Athlumney's Estate* (44 I.L.T.R. 261), held that the questions were ruled by the decision of the Court of Appeal in *Domville's Estate* [1910] 1 Ir. R. 334, and answered both questions in the negative.

The Court of Appeal allowed the appeal, distinguishing *Domville's Case*, on the ground that in that case, firstly, there was a refusal of the advance, and secondly, there was in fact no direction by the Commissioners pursuant to the Section. The unanimous judgment of the Court was, therefore, that both questions should be answered in the affirmative.

The question being raised whether costs of the argument should be ordered to be paid by the Treasury, who were the respondents, and the matter standing for further argument, Counsel for the appellant stated they had considered the authorities and found they could not ask for costs against the Treasury.

(Reported, *I.L.T.R.*, Vol. xlv., page 276).

Land Purchase (Ireland) Acts.

THE following have appeared in the Parliamentary papers:—

Q. SIR JOHN BARRAN,—To ask the Chief Secretary to the Lord Lieutenant of Ireland, whether he can supply, with reference to the Ashbourne Acts, 1885 to 1888, information as to the number and rental of farms now held under that Act; the number of farms which, under that Act, have become the property of the occupier; the term of years required to enable a tenant, under the rate of payment fixed, to become complete owner of his farm; the restrictions, if any, which hinder a tenant from disposing of his tenant

right; the monetary or other assistance which a tenant receives from Government; the approximate number of tenants whose applications to the Land Court for the fixing of an equitable rent has not yet been settled, and the reason of such delay; and as to the extent to which these Acts have been superseded by later legislation. [28th November, 1911.]

A. MR. BIRRELL.—The Land Commission inform me that under the Land Acts, 1885 to 1888, advances amounting to £9,992,536 were made, for the purchase of 25,367 holdings, to the tenants. The number of purchasers who on the 1st November, 1911, were paying annuities under these Acts was 25,365, and the annual amount payable was £316,078 (the term "rental" is not properly applicable). Advances under these Acts are no longer made. All the holdings sold under these Acts are the property of the tenant-purchaser, subject only to the repayment of the advance and to any declared superior charges on the holdings. Under the Acts 1885-8, the advances were repayable in 49 years by an annuity of £4 per cent., but under Section 25 of the Act of 1896 the term of repayment may at the option of the purchaser be extended on the decadal revision system and the annuity reduced accordingly. The term "tenant-right" is not applicable to holdings purchased under the Land Acts. A purchaser under the Acts of 1885-8 can freely dispose of his holding subject only to the payment of the annuity and the declared charge (if any). Purchasers under the Acts of 1885-8 received no monetary assistance from the Government. On 31st October the number of applications to fix fair rents pending for hearing was 1,224, of which 1,000 were lodged during that month. These cases are being disposed of without delay. It would not be possible within the limits of an Answer to a Parliamentary Question to state the extent to which the Acts of 1885-8 have been superseded by later legislation. Advances for purchase are now made under the Act of 1903, as amended by that of 1909, to which Acts I would refer the honourable Baronet. [28th November, 1911.]

Q. MR. VINCENT KENNEDY.—To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will state when and what was the name of the first estate which, sold under

the 1909 Irish Land Purchase Act, was vested in the tenants; in how many cases of sales of estates under this Act has the purchase money been already paid to the vendor, giving the longest and shortest time involved in vesting the holdings and paying the purchase money to the vendors. [28th November, 1911.]

A. MR. BIRRELL.—The Estates Commissioners inform me that, excluding cases of outstanding holdings on estates the subject of proceedings for sale under the Act of 1903 at the passing of the Act of 1909, in respect of which purchase agreements were not lodged until after the 15th of September, 1909, and which were therefore financed under the Act of 1909, the first estate sold under the latter Act would appear to be that of Lady Errington, in which the Commissioners advanced the purchase money and vested the holdings in the purchasing tenants on the 28th July, 1910. Up to the 23rd instant, advances amounting to £889,346 have been made under the Act of 1909 in respect of 3,072 holdings situate on 394 estates. It is not possible to give the information asked for in the concluding portion of the Question, but it may be stated that estates sold under the Act of 1909 are dealt with irrespective of estates agreed to be sold under the Act of 1903, and the purchase money is advanced as soon as the lands have been inspected, and the Commissioners' requirements as to title, boundaries, and other matters are complied with. [28th November, 1911.]

Results of Examinations.

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

1. John O'Hanrahan.
2. Herbert C. Scott.
3. John Gallery.
4. James G. E. Fitzgerald.
5. Claude C. Gotto.
6. Thomas S. Colbert.
7. John F. Carney.
8. Patrick J. Barry, junior.
9. Frederick C. Ellis.

John Forde passed the modified Preliminary Examination for which he had liberty to present himself.

Fourteen candidates attended the examination: ten passed; four were postponed.

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

1. John J. Molloy, B.A., R.U.I.
2. John J. Dundon.
3. William J. M. Coulter.
4. Patrick J. Neilan.
5. Thomas A. Galbraith.
6. Mathew R. B. Dolán.
7. Martin L. Colahan.
8. Joseph M. Cullinane.
9. Michael J. Dwyer, B.A., R.U.I.
10. Albert E. Davis.
11. Matthew G. R. Lardner, B.A., N.U.I.
12. John Kelly.

The Court of Examiners awarded a Gold Medal to John J. Molloy, B.A., R.U.I.; a Silver Medal to John J. Dundon, and a Special Certificate to William J. M. Coulter.

Nineteen candidates attended the examination: twelve passed; seven were postponed.

Findlater Scholarship.

The Findlater Scholarship for 1911 has, as the result of a special examination, been awarded to Mr. Peter C. Furlong, who served his apprenticeship to Mr. Bernard J. O'Flaherty, of Enniscorthy, and obtained first place and a Gold Medal at the Final Examination held in October, 1910.

Hilary Sittings Lectures.

PROFESSOR QUIRKE will deliver lectures to the Senior Class upon the subjects of Real Property, Equity, and Conveyancing, on the following dates in Hilary Sittings, 1912:—

January 12, 16, 19, 23, 26, 30.
February, 2, 6, 9, 13, 16, 20.

PROFESSOR SHARPE will deliver lectures to the Junior Class upon the subject of Common Law, on the following dates in Hilary Sittings, 1912:—

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

Solicitors' Apprentices' Debating Society.

PROGRAMME FOR HILARY SITTINGS, 1912.

January 22nd.—General Legal Debate.—

“That the Trades Disputes Act of 1906 is a menace to Industrial Progress.”

January 29th.—Debate.—“That the Drama of the Abbey Theatre is worthy of support.”

February 5th.—Impromptu Speeches.

February 12th.—Legal Debate.—“That the Case of *Lloyd v. Grace Smith & Co.* (1911) 2 K.B. 489, was wrongly decided.”

February 19th.—Debate.—“That German Foreign Policy is dangerous to the peace of the world.”

Additions to the Library.

The following Books have been added to the Library from August to November, 1911:—

Agreement.

Moore (Henry): *Moore's Practical Forms of Agreements, with variations and notes.* 7th ed., by H. F. F. Greenland.

8vo; London, 1911.

Bibliography.

National Library of Ireland. Subject Index of Books added, 1894–1903.

fol.; Dublin, 1911.

Contract:

Leake (Stephen Martin): *Principles of the Law of Contracts.* 6th ed., by A. E. Randall.

8vo; London, 1911.

See AGREEMENT.

Costs.

Baker (*Sir* Augustine): *Solicitors' Costs and Fees in the Superior Courts in Ireland, together with the Solicitors' Remuneration Act, 1881, and an Appendix of precedents of bills of costs.* 2nd ed., by G. E. Hamilton.

8vo; Dublin, 1911.

Dublin University.

Calendar for 1911–1912.

Vol. 1; 8vo; Dublin, 1911.

Estate Duties.

Hanson (Alfred): The Acts relating to Estate Increment Value (on Death), Legacy, Succession, and Probate Duties. 6th ed., by F. H. L. Errington.

8vo; London, 1911.

Forms.

Moore (Henry): Moore's Handbook of Practical Forms relating to Conveyancing and general matters, with variations and notes. 5th ed., by H. H. King.

8vo; London, 1911.

See AGREEMENT.

Fraud and Mistake.

Kerr (William Williamson): Fraud and Mistake. 4th ed., by S. E. Williams.

8vo; London, 1910.

Judicial Statistics.

Judicial Statistics, Ireland, 1910. Part I.—Criminal Statistics. Part II.—Civil Statistics.

(Par. Pap.). 2 Vols.; fol.; London, 1911.

Justice of the Peace.

O'Connor (James): The Irish Justice of the Peace. A Treatise on the powers and duties of Justices of the Peace in Ireland, and certain matters connected therewith. Assisted by E. C. Farran, William Byrne, and C. Norman Kough.

8vo; Dublin, 1911.

"Justice of the Peace." Questions and Answers from the "Justice of the Peace," 1897-1909. Editor, K. M. MacMorran. Assistant Editors, R. E. Willcocks and H. W. Guthrie.

4to; London, 1911.

Laws of England.

Halsbury (*Right Hon. the Earl of*): The Laws of England: being a complete statement of the whole Law of England.

Vols. 17 and 18; 8vo; London, 1911.

National Library of Ireland.

Subject Index of Books added, 1894-1903.

fol.; Dublin, 1911.

Pleading.

Battersby (Thomas S. Frank): The Pocket Pleader: or, Compendium of Practical Precedents of Civil Bills in Contract and

Tort, together with some suggested defences, notes, and cases, for the use of practitioners in County Courts. 2nd ed.

12mo; Dublin, 1911.

Practice.

The Annual Practice, 1912.

2 Vols.; 8vo.; London, [1911.]

Moore (Henry): Moore's Solicitors' Practice, being instructions with regard to practice and procedure, with a special chapter on office organization. 3rd ed., by H. B. Welford.

8vo; London, 1911.

Telegraphic Code.

"Unicode." The Universal Telegraphic Phrase-Book. A Code of cypher words for commercial, domestic, and familiar phrases in ordinary use in Inland and Foreign Telegrams.

15th thousand.

8vo; London, 1910.

Title.

Moore (Henry): Moore on Title. 5th ed., by E. E. H. Brydges.

8vo; London, 1911.

Workmen's Compensation.

Butterworths' Workmen's Compensation Cases. Vol. IV. (*New Series*). October, 1910, to September, 1911.

8vo; London, 1911.

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 Ltd., 28 Dame Street, Dublin.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

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THE INCORPORATED LAW SOCIETY OF IRELAND.

COMMITTEES OF THE COUNCIL FOR THE YEAR ENDING 26TH NOVEMBER, 1912.

<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>
F. C. E. BLAND.	SIR J. P. LYNCH.	SIR GEORGE ROCHE.	J. E. MACDERMOTT.
G. H. LYSTER.	P. J. BRADY, M.P.	J. A. DENNING.	A. V. MONTGOMERY.
R. S. REEVES.	GEORGE COLLINS.	T. C. FRANKS.	JAMES MOORE.
J. W. RICHARDS.	WILLIAM FRY.	JAMES HENRY.	W. V. SEDDALL.
H. J. SYNNOTT.	R. A. MACNAMARA.	C. ST. G. ORPEN.	R. G. WARREN.
<i>No. 5. Gazette.</i>	<i>No. 6. County Courts.</i>	<i>No. 7. Land Act.</i>	<i>No. 8. Privileges.</i>
F. C. E. BLAND.	THE EXTRA-ORDINARY	SIR GEORGE ROCHE.	SIR G. ROCHE.
C. G. GAMBLE.	MEMBERS.	SIR A. F. BAKER.	SIR J. P. LYNCH.
W. S. HAYES.	THE PROVINCIAL	SIR J. P. LYNCH.	WM. FRY.
A. LLOYD-BLOOD.	DELEGATES:	W. FRY.	J. W. RICHARDS.
C. A. STANUELL.	A. E. BRADLEY.	C. ST. G. ORPEN.	H. J. SYNNOTT.
	J. A. DENNING.	J. W. RICHARDS.	
	A. V. MONTGOMERY.	C. A. STANUELL.	
	W. J. SHANNON.	H. J. SYNNOTT.	

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

COURT OF EXAMINERS FOR 1912.

President:

GERALD BYRNE.

Vice-Presidents:

IGNATIUS J. RICE.

R. BLAIR WHITE.

JOSEPH ALLEN.

C. G. GAMBLE.

J. E. MACDERMOTT.

GEORGE COLLINS.

T. M. GREER.

JAMES MOORE.

J. A. DENNING.

A. LLOYD-BLOOD.

JOHN W. RICHARDS.

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Special Examiners:

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

THE REV. J. P. MAHAFFY, S.F.T.C.D.

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

Professors:

THOMAS G. QUIRKE, B.A., LL.D., R.U.I.

FREDERICK G. SHARPE, B.A., LL.D., T.C.D.

Secretary:

WILLIAM GEORGE WAKELY.

THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 7.]

January, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

December 6th.

Election of President and Vice-Presidents.

THE Council elected Mr. Gerald Byrne to the office of President of the Society, and Mr. Ignatius J. Rice and Mr. R. Blair White to the office of Vice-Presidents of the Society for the year ending 26th November, 1912. Mr. Byrne having taken the chair, and expressed his thanks to the Council for his election, 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.

Quarter Sessions List.

The matter of the non-printing of lists containing the dates of Quarter Sessions and County Court Sittings throughout the year, being a result of the decision in the case *Rex (Cloherty) v. Galway County Council*, was referred to the County Courts Committee.

Immature Land Stock.

A letter was read from the Irish Landowners' Convention asking the Council to nominate a representative on a proposed deputation to the Chief Secretary, with the object of urging upon him the desirability of adopting the arrangement in reference to the sale of immature Land Stock suggested by the Council. Mr. Synnott was nominated to represent the Council on the proposed deputation.

Illegal Conveyancing.

A letter was read from a Country Member enclosing a lease recently prepared for remuneration by an Estate Agent Clerk. The Council directed that proceedings, under 27 Victoria, Cap. 8, be taken in the Secretary's name against the clerk for recovery of a penalty.

Preliminary Examination.

A report was adopted from the Court of Examiners recommending the Council not to accede to the application of the Senate of the National University that a rule should be made under Sec. 17 of the Solicitors (Ireland) Act, 1898, exempting from passing the Preliminary Examination of the Society those who had been registered as matriculated students of the University by reason of their having passed some one of certain examinations specified in the University regulations. The report drew attention to the fact that other Universities similarly permitted the registration of students as matriculated students, but exemption from the preliminary examination in their cases also had been always hitherto refused by the Society, the exemption under the Section being made applicable only to those who actually pass the University matriculation examination, and this exemption was by rule made under the Solicitors (Ireland) Act, 1898, in November, 1910, was extended to those who pass the matriculation examination of either of the two new Universities created by the Irish Universities Act of 1908.

Intermediate Examination.

Upon the recommendation of the Court of Examiners the Council adopted a regulation,

under Section 8 of the Solicitors (Ireland) Act, 1898, exempting from the passing of the Intermediate examination of the Society those apprentices who obtain the LL.B. degree of either the National University of Ireland or the Queen's University of Belfast. A similar exemption already exists in favour of those who obtain a similar degree in other Universities.

December 13th.

Insurance Commissioners.

It was resolved that the congratulations of the Council be conveyed to Mr. Joseph A. Glynn, Solicitor, upon his appointment to the office of Chairman of the Irish Insurance Commissioners.

Easter and Whitsuntide Holidays.

In reply to a letter from the Council a letter was read from the Bar Council stating that the memorandum of this Council in support of altering the Supreme Court Rules, so that the Easter and Whitsuntide Court holidays should always occur during vacations had been approved of in principle by the Bar Council, and would be further considered in detail.

Quit Rent Office.

The Secretary reported that, as directed, he had made enquiry as to fees charged for certificates required from the quit rent office as to the existence of a quit rent, the enquiry being consequent upon a letter received from a country member, and that he had been informed that except in Land Purchase Acts cases (in which cases no fee is charged) the office fees charged for such certificates vary from half a guinea up to five guineas, such fees going to the general credit of the office account.

Preliminary Examination.

A memorial by a law clerk seeking a modified preliminary examination under Section 18 was submitted, and it was resolved that same be not opposed.

Statutory Committee.

A letter was read from the Secretary to 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, 1912:—Mr. Byrne, Sir A. F. Baker, Mr. Hayes, Mr. Macnamara, Mr. Meredith, Mr. Shannon and Mr. Stanuall.

Court of Examiners and Committees.

The Court of Examiners and the Committees of the Council for the year ending 26th November, 1912, were appointed.

December 20th.

A special meeting of the Council was held this day.

Special General Meeting of Society.

The Secretary submitted a requisition, signed by twenty-four members of the Society, received by him upon the 16th inst., which requested the Council to call a Special General Meeting of the Society "for the purpose of considering and, if adopted, passing the following resolution:—That the Government be requested to appoint Commissioners to hold an enquiry for the purpose of reporting with respect to, the following matter:—

- " 1. The complaints made and the grievances alleged to exist with regard to the procedure in the County Courts in Ireland.
- " 2. What steps should be taken to improve such procedure."

The Council resolved to comply with the requisition, and directed that in accordance with Bye-law 27 a Special General Meeting of the Society be called for Tuesday, 2nd January, 1912.

Council Meetings.

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

January 17th and 31st.

February 14th and 28th.

Committee Meetings.

THE following Committee meetings were held during December:—

Costs, 4th.

Gazette, 12th.

Court of Examiners, 15th.

New Members.

THE following have joined the Society during December:—

Armstrong, Owen H., 25 Cläre Street, Dublin.

Collins, Patrick J., Skibbereen.

Connell, Robert G., Limavady.

Henry, Hugh, Limavady.

Moran, John, 32 Lower Ormond Quay, Dublin.

O'Connor, John, Crossmaglen.

Simpson, D. Barbour, Lisburn.

Obituary.

MR. EDMOND M. MALONE, Solicitor (late of Belfast), died upon the 29th December, 1911, at Winnipeg, Canada.

Mr. Malone was admitted in Trinity Term, 1862, and practised formerly in Antrim and subsequently in Belfast, up to the year 1906, when he retired.

MR. ROBERT E. BAILIE, Solicitor, Castleblayney, died upon the 30th December, 1911, at his residence, Shortstone, Dundalk.

Mr. Bailie, who served his apprenticeship with the late Mr. George Twibill, 3 Upper Sackville Street, Dublin, was admitted in Trinity Term, 1870, and practised in Castleblayney. He was appointed Crown Solicitor for County Monaghan in the year 1886, and occupied that position up to the time of his death.

Commissioner to Administer Oaths.

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

John J. Burns, Sub-Postmaster, Mountmellick.

Legal Appointments.

THE Lords Commissioners of His Majesty's Treasury have, under the National Insurance Act, 1911, appointed Mr. Joseph Glynn, Solicitor, to be Chairman of the Irish Insurance Commissioners. Mr. Glynn was admitted in Michaelmas Sittings, 1891, and practised at Tuam, Co. Galway.

His Excellency the Lord Lieutenant has appointed Mr. Daniel M. J. O'Connell, Solicitor, to be Clerk of the Crown and Peace

for the West Riding of County Cork, in room of the late Mr. W. J. Fitzgerald. Mr. O'Connell was admitted in Hilary Sittings, 1901, and practised at Skibbereen, County Cork.

His Excellency the Lord Lieutenant has appointed Mr. Henry Murphy, Solicitor, to be Crown and Sessional Crown Solicitor for County Monaghan, in room of the late Mr. R. E. Bailie. Mr. Murphy was admitted in Easter Sittings, 1890, and practises at Clones, Co. Monaghan.

Recent Decisions affecting Solicitors.

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

COURT OF APPEAL (ENGLAND).

(Before Vaughan Williams, Buckley and Kenny, L.JJ.)

Browne v. Black.

December 5, 1911.—Solicitors—Bill of Costs—Delivery one month before action—Posting of Bill—"Sent by the post"—Computation of time.

By Section 37 of the Solicitors (England) Act, 1843, and by Section 2 of the Solicitors (Ireland) Act, 1849, it is provided that "No attorney or solicitor shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business done by such attorney or solicitor, until the expiration of one month after such attorney or solicitor shall have delivered unto the party to be charged therewith, or sent by the post or left for him at his counting-house, office, or dwellinghouse, or last named place of abode, a bill of such fees, charges and disbursements, signed by such attorney or solicitor, or enclosed in or accompanied by a letter signed in either manner referring to such bill.

In this case the appellant, Mr. J. W. Browne, Solicitor, had brought an action, which had been tried by the Common Sergeant, to recover against a client, Mr. Black, the amount of a bill of costs. The defendant raised the defence that no signed bill of costs had been delivered to him one month before the action was commenced,

pursuant to the provisions of Section 37 of the Solicitors Act, 1843. The ground upon which this defence was raised was that the plaintiff posted the signed bill of costs late in the day on 15th February, and in the ordinary course of post this would not have reached the defendant before the 16th February. The plaintiff commenced his action on the 16th March. On these facts the Common Sergeant held that the defence was good, and that the plaintiff had brought his action before the expiration of one month from the delivery of the bill, as required by Section 37 of the Solicitors Act, 1843. By Section 48 of that Act it is provided that in the construction of that Act the word "month" shall be taken to mean a calendar month (Section 9 of the Solicitors (Ireland) Act, 1849, makes a similar provision relative to the word "month" in that Act). Accordingly he dismissed the action. The Divisional Court dismissed the appeal of the plaintiff on the same grounds. The plaintiff appealed to this Court. It was contended on his behalf that the bill "was sent by the post" as soon as it was put into the letter-box, and that time ran from that moment; and further, that in computing the period of a calendar month under Section 37, the day at one end of the period was to be counted, and that at the other was not to be counted. It was held by the Court (Buckley, L.J., dissenting) that the words "sent by the post" referred to the time when, in ordinary course of post, such bill would be delivered to the client, and not to the time when it was posted; and that where the bill is "sent by post to" the person to be charged, time runs from the day when the bill would be delivered in ordinary course of post, the period of one month to be reckoned exclusively of that day and of the day on which the action is commenced. The appeal was dismissed, and the decision of the Divisional Court was confirmed.

(Reported *Solicitors' Journal*, Vol. lvi., p. 144.)

The Public Trustee, Ireland.

(*Irish Land Act*, 1909, Sec. 38 (1) a).

List of Securities in which investments have been approved by the Public Trustee, Ireland, to 29th December, 1911.

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

Argentine Government, $4\frac{1}{2}\%$ 1888-9 Sterling Conversion Loan.

Argentine Government, 4% Bonds, 1908.

Argentine Government, $4\frac{1}{2}\%$ Internal Gold Loan, 1888.

Argentine Government Railway Guarantee Rescission, 4% Bonds.

Argentine Government, 4% Bonds, 1899.

Argentine Government, 5% 1884 Loan.

Argentine Government, $3\frac{1}{2}\%$ External Sterling Bonds, 1889.

Argentine Government, 4% 1897 Bonds.

Argentine Government, 4% Loan, 1898.

Argentine Government, 5% Railway Bonds of 1890.

Argentine Government, 5% Internal Gold Loan, 1907.

Argentine Government, 5% Internal Gold Loan, 1909.

Argentine Government, 5% Loan, 1886-7.

Argentine Northern Central Railway Extensions, 5% Government Mortgage Bonds.

Brazilian Government, 4% Bonds, 1889.

Brazilian Government, 4% Rescission Bonds.

Brazilian Government, 4% 1910 Loan.

Brazilian Government, $4\frac{1}{2}\%$ 1883 Loan.

Brazilian Government, $4\frac{1}{2}\%$ 1888 Loan.

Brazilian Government, 5% 1908 Loan.

Brazilian Government, 5% 1895 Loan.

Brazilian Government, 4% 1911 Loan.

Chilian Government, $4\frac{1}{2}\%$ 1886 Bonds.

Chilian Government, $4\frac{1}{2}\%$ Loan, 1893.

Chilian Government, 5% 1905 Loan.

Chilian Government, $4\frac{1}{2}\%$ Loan, 1895.

Chilian Government, $4\frac{1}{2}\%$ Gold Loan, 1906.

Chilian Government, 5% 1896 Loan.

Chilian Government, 5% Loan, 1910.

Chilian Government, 5% 1911 Loan.

Chilian Government, 5% 1911 Loan, 2nd series.

Chinese Government, $4\frac{1}{2}\%$ Gold Loan, 1898.

Chinese Government, 5% 1896 Gold Loan.

Chinese Government, 5% Gold Loan, 1908.

Chinese Government, 5% Tientsin Pukow Railway Loan.

Cuban Government, $4\frac{1}{2}\%$ Gold Bonds, 1949.

Egyptian Government, $3\frac{1}{2}\%$ Preference.

Egyptian Government, $3\frac{1}{2}\%$ Preference Inscribed Stock.

Egyptian Government, 4% Unified Debt.

Finland $4\frac{1}{2}\%$ Government Railway Bonds.
 German Imperial, 3% Loan.
 Greek Government, 4% Railway Loan, 1902.
 Hungarian Government, 4% Gold Rentes.
 Japanese Government, $4\frac{1}{2}\%$ Sterling Loan (1st series).
 Japanese Government, $4\frac{1}{2}\%$ Sterling Loan (2nd series).
 Japanese Government, 4% Sterling Loan, 1899.
 Japanese Government, 5% Bonds (1895-96) (Redeemed).
 Japanese Government, 4% Sterling Loan, 1905.
 Japanese Government, 4% Sterling Loan, 1910.
 Mexican Government, Gold Loan, 4%, 1904.
 Mexican Government, 5% External Consolidated Gold Loan, 1899.
 Norwegian Government, 4% Loan, 1911.
 Prussian $3\frac{1}{2}\%$ Consols.
 Russian Government, 4% Consolidated Railway Bonds.
 Russian Government, $4\frac{1}{2}\%$ 1909 Loan.
 San Paulo 5% Treasury Bonds.
 Siamese Government, $4\frac{1}{2}\%$ Sterling Loan.
 Spanish Government, 4% Sealed Bonds.
 Uruguay, $3\frac{1}{2}\%$ Consolidated Loan.
 Atcheson, Topeka, and Santa Fe Railway, 4% Adjustment Bonds.
 Baltimore and Ohio Railroad (Pittsburg and Lake Erie Division), 4% Bonds.
 Baltimore and Ohio Railroad, 4% 1st Mortgage Gold Bonds.
 Chesapeake and Ohio Railway, $4\frac{1}{2}\%$ 20 years Convertible Gold Bonds.
 Chicago, Milwaukee, and St. Paul Railway, 4% 1934 Gold Bonds.
 Chicago, Milwaukee, and St. Paul Railway 4% General Mortgage Gold Bonds, 1889.
 Great Northern Railway (St. Paul, Minneapolis, and Manitoba), 4% Sterling Extension Bonds.
 Illinois Central Railroad, 4% Gold Bonds, 1953.
 Louisville and Nashville Railroad, Unified 4% Gold Bonds.
 Minneapolis, St. Paul, and Sault Ste. Marie Railway, 4% 1st Mortgage Gold Bonds.
 New York Central and Hudson River Railroad, 30-year, 4% Gold Debentures, 1934.
 New York Central and Hudson River Railroad, $3\frac{1}{2}\%$ Gold (Lake Shore) Bonds.
 New York Central and Hudson River Rail-

road, Michigan Central, Collateral $3\frac{1}{2}\%$ 1998 Gold Bonds.
 Norfolk and Western Railway, 4% 1st Lien and General Mortgage 1944 Gold Bonds.
 Northern Pacific Great Northern Railways, 4% Joint Bonds, Chicago, Burlington, and Quincy Collateral.
 Northern Pacific Railway, 3% General Lien Railway and Land Grant Gold Bonds.
 Pennsylvania Railroad, 4% Consolidated Mortgage Sterling Bonds, 1948.
 Southern Pacific Company, 4% Central Pacific Collateral Gold Bonds.
 Southern Pacific Railroad, 4% 1st Refunding Gold Bonds.
 Southern Pacific Company, 4% 20 years Convertible Gold Bonds.
 Union Pacific Railroad, 4% 1st Mortgage Gold Bonds.
 Union Pacific Railroad, 20-year 4% Convertible Gold Bonds.
 Union Pacific Railroad, 4% 1st Lien and Refunding Mortgage Bonds.
 Argentine Great Western Railway, 5% Debenture Stock.
 Argentine Great Western Railway, 4% 1st Debenture Stock.
 Argentine Great Western Railway, 4% 2nd Irredeemable Debenture Stock.
 Bahia Blanca and North Western Railway $4\frac{1}{2}\%$ 2nd Debenture Stock.
 Buenos Ayres and Pacific Railway, $4\frac{1}{2}\%$ Consolidated Debenture Stock.
 Buenos Ayres and Pacific Railway, 4% 1st Debenture Stock.
 Buenos Ayres and Pacific Railway, $4\frac{1}{2}\%$ 2nd Debenture Stock.
 Buenos Ayres Great Southern Railway, 4% Debenture Stock.
 Buenos Ayres Western Railway, 4% Debenture Stock.
 Central Argentine Railway, $3\frac{1}{2}\%$ Central Debenture Stock.
 Central Argentine Railway, 4% Consolidated Debenture Stock.
 Cordoba Central Railway, 5% 2nd Debenture Stock (Central Northern Section).
 Mexican Southern Railway, 4% 1st Mortgage Debenture Stock.
 Canadian Pacific Railway, 4% Debenture Stock.
 Ontario and Quebec Railway, 5% Permanent Debenture Stock.
 29th December, 1911.

Forms of application for permission to invest can be obtained from the Office of the Public Trustee, Ireland, 24 Nassau Street, Dublin.

Resident Magistrates (Belfast) Act, 1911.

An Act to amend the Law with respect to the salaries, superannuation, appointment, and powers of Resident Magistrates for the City of Belfast.

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

1.—(1) From and after the passing of this Act the lord mayor, aldermen and citizens of the city of Belfast (in this Act referred to as "the Corporation"), shall pay to each resident magistrate for the time being for the city a salary at the rate of two hundred pounds a year, by way of addition to the salary payable to him under the Resident Magistrates and Police Commissioners Salaries Act, 1874.

(2) The additional salary payable to a resident magistrate under this section shall not be reckoned as part of his annual salary or emoluments for any of the purposes of the Superannuation Acts, 1834 to 1909, but in every case where under those Acts a superannuation or other allowance or gratuity is granted to a resident magistrate for the city of Belfast on his retiring or being removed from that office after the passing of this Act, the Corporation shall supplement the same by the grant of an additional allowance or gratuity of such an amount as will bear to the amount of the allowance or gratuity under those Acts the same proportion which the additional salary bears to the salary upon which the allowance or gratuity under those Acts is calculated.

(3) The provisions of the last preceding subsection with respect to the grant of an additional gratuity shall apply in every case where a gratuity under the Superannuation Acts, 1834 to 1909, is granted to the personal representatives of any resident magistrate for the City of Belfast who, after the passing of this Act, dies whilst holding that office or

whilst in receipt of an additional allowance under the said subsection.

(4) The additional salaries, allowances, and gratuities payable under this section shall be paid at such times and in such manner as may be prescribed by the Lord Lieutenant, and shall be defrayed by the Corporation out of the general purposes rate.

(5) In the case of any resident magistrate for the city of Belfast holding office on the first day of January nineteen hundred and eleven, and also on the date of the passing of this Act, the additional salary shall commence and be payable as from the first day of January nineteen hundred and eleven.

2. No person shall, after the passing of this Act, be appointed to be a resident magistrate for the city of Belfast who is not at the time of his appointment a practising barrister or solicitor of not less than six years' standing or a resident magistrate.

3. A resident magistrate for the city of Belfast, sitting alone at any place within the city appointed for holding petty sessions, shall, in addition to his other powers, have power to do alone any act and to exercise alone any jurisdiction which under or in pursuance of any statute may be done or exercised by two or more justices of the peace sitting in petty sessions at any such place.

4. In this Act the expression "resident magistrate" means a magistrate appointed under the Constabulary (Ireland) Act, 1836.

5. This Act may be cited as the Resident Magistrate (Belfast) Act, 1911.

New Solicitors.

ADMISSIONS DURING DECEMBER, 1911.

Name	Served Apprenticeship to
Coulter, William James ...	Henry J. McCormick, Dublin.
Martin	Dublin.
Kelly, John ...	Henry Concanon, uam.

Solicitors' Annual Certificates.

MEMBERS are reminded that annual certificates for the year ending 5th January, 1913, should be taken out, and the duties paid thereon, between the 5th January and 6th February, 1912.

**Calendar of the Incorporated Law Society,
1912.**

THE Calendar and Law Directory, published by the Society, for 1912, can be obtained in the Secretary's Office, price Three Shillings, or by post Three Shillings and Fourpence.

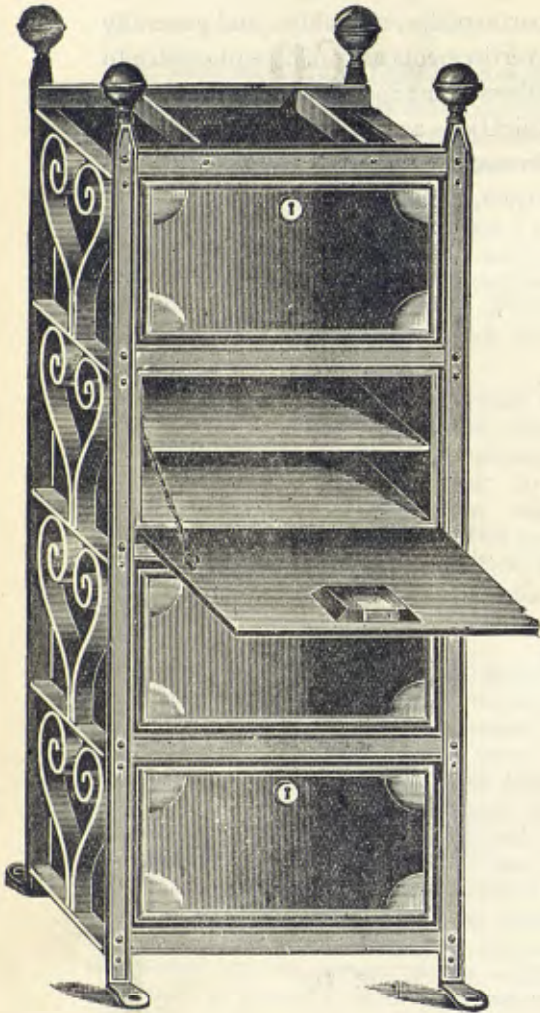
ALL communications connected with THE GAZETTE (other than advertisements) should be addressed to the Secretary of the Society, Solicitors' Buildings, Four Courts, Dublin.

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 Ltd., 28 Dame Street, Dublin.

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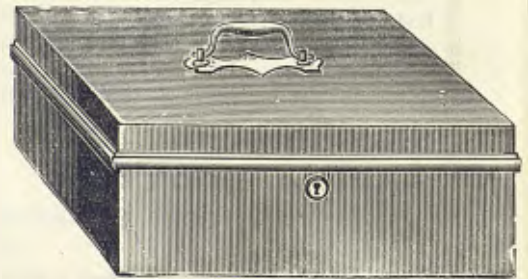
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The Legal Stand, price complete, £3 18s. 6d.

Containing 4 best tinned steel boxes, Japped black and hand-polished fronts; size of boxes, 20 x 12½ x 12½; falling fronts with chain. The boxes are arranged as follows: one with 4 compartments, one 3, one 2, and one without. Stand, wrought iron with brass knobs. Above boxes can also be had separately in stronger finish at the following prices:—

4 compartments, 25/- each; 3 compartments, 24/- each
2 „ „ 22.6. „; without „ 19/- „

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THE GAZETTE

OF THE

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February, 1912.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 8.]

February, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Special General Meeting.

ON Tuesday, 2nd January, a Special General Meeting of the Society was held in the Solicitors' Buildings, Four Courts, by order of the Council, in compliance with a requisition signed by twenty-four members of the Society, for the purpose of considering the following resolution:—

“That the Government be requested to appoint Commissioners to hold an inquiry for the purpose of reporting with respect to the following matters:—(1) The complaints made and the grievances alleged to exist with regard to the procedure in the County Courts in Ireland; (2) what steps should be taken to improve such procedure. That a copy of this resolution be forwarded to the Right Hon. the Chief Secretary for Ireland.”

The President (Mr. Gerald Byrne) was in the chair.

The following members were also present:—

Mr. R. Blair White (Vice-President), Sir George Roche, Sir John P. Lynch, Richard S. Reeves, W. S. Hayes, William Fry, R. A. Macnamara, George Collins, Patrick J. Brady, M.P.; C. St. G. Orpen, F. C. E. Bland, J. A. Denning, H. J. Synnott, M. Buggy, W. V. Seddall, James Henry, G. H. Lyster, R. G. Warren, C. G. Gamble, A. E. Bradley, T. C. Franks, A. V. Montgomery, A. Lloyd-Blood, James Moore, J. R. Stritch, A. H. Burne, James Davis, J. V. Fahy, H. Malley, S. Kerr, James Brady, L. Barron, W. J. Lundy, T. H. R. Craig, C. G. Thompson, E. H. Burne, W. G. Armstrong, M. J. O'Farrell, J. Minton, E. E. Brady, W. J. Byrne, G. A. G. Byrne, C. Friery, T. W. Delany (Longford), J. Moran,

J. M. McDowell, J. A. Carlyle, P. K. White, J. J. McDonald, J. J. Duggan, J. F. Dunwoody, F. J. Little, R. J. Dodd, M. Dawson, William Read, G. H. Parkes, H. Shannon (Nenagh), H. C. Neilson (Jr.), T. Montgomery, W. H. Sutton, J. W. Killeen, J. W. Dyas, E. St. C. Bell, W. P. Carey, A. S. Machin, John Moran, Q. W. Kennedy, J. P. Collins, W. Grove White, W. H. Spence, J. R. Cresswell, J. Hawthorne, W. H. Fry, B. Thompson, W. H. Geoghegan, J. H. Callan, J. H. Walsh, P. Masterson, T. M. Gerrard, N. V. Lenehan, E. N. Edwards, J. P. Tyndall, A. H. S. Orpen, David Dunne, E. S. Lowe (Junn.), T. W. Franks, H. H. Bonass, J. J. O'Shee, M.P. (Carrick-on-Suir); S. H. Crawford, T. F. O'Brien (Clonmel), J. J. L. Murphy, H. K. Clay, Thomas Stephenson (Waterford).

The Secretary (Mr. W. G. Wakely) read the notice convening the meeting, and stated that, this being a Special Meeting, there were no Minutes to be signed; the Secretary also stated that the following members sent apologies for inability to be present at the Meeting:—Sir A. F. Baker, Mr. C. A. Stanuell, Mr. Charles W. Black (Belfast), Mr. John M. Whelan (Roscommon), Mr. M. J. O'Connor (Wexford), Mr. E. Fitzgerald (Mallow), and Mr. P. Maxwell (Londonderry).

THE PRESIDENT said:—Gentlemen, you have heard read the resolution that we have met to consider here to-day. This meeting has been called, as you are all aware, in pursuance of a requisition signed by a number of members of the Society asking the Council to call the meeting for the special purpose of considering this resolution. I

am now ready to hear this resolution proposed, seconded, and discussed.

MR. T. H. R. CRAIG :—It falls to my lot to propose the resolution, but, before doing so, I would wish, on behalf of our profession, particularly on behalf of the County Court members, and especially on behalf of the Dublin County Court practitioners, to offer you, Mr. President, our hearty congratulations on your elevation to the Presidential Chair (applause). I think I cannot do better than to quote the words of a correspondent in the country, who wrote regretting his inability to be present to-day, and added: "It would be very appropriate if this year these very necessary reforms could be shaped into an Act of Parliament during the year of office of Mr. Byrne, as President of the Incorporated Law Society" (hear, hear). I wish that some one more worthy and more capable than I of putting this matter before the meeting had undertaken this task, but acting, as I have for some years, as Hon. Secretary of the Dublin County Court Bar Association, this duty has been thrust upon me. Now, there is one matter that I would wish this meeting and the public to keep before them, and it is this, that this is not a matter brought forward merely by the members of the Dublin County Court Bar Association in our own interest. It is brought forward in the interest of the Commercial community (hear, hear). It is not brought forward exclusively in the interest of our profession. Anything that benefits the Commercial community will, of course, naturally benefit our profession. That is perfectly plain. After careful consideration this matter has been brought forward in its present form to endeavour to get something practical done after beating the air for sixteen years. There is no matter of sentiment in the proposal. We are here to-day as business men to discuss a business proposition, I hope, in a business-like way. And while possibly many of us may have divergencies in our views as to the best way to bring about the result, I am perfectly certain that the thing which we wish to have brought about, namely, improvement of matters in regard to County Court administration, and particularly with reference to the recovery of small debts, is uppermost in our minds here to-day (hear, hear). I would

appeal to my brethren in this matter not to let any spirit of narrow-mindedness enter into their discussions. Possibly you may not be able to have the same point of view as some other brother practitioner, but let us try and act to-day as a united body, whether we believe that a Commission would be the best means of forwarding the interests we have at heart, or whether deputations to wait upon this body or that body would be the best. Let us be united and unanimous, and let us formulate some one means and have this matter placed before Parliament or the Government, so that we may get the necessary reforms pushed through (hear, hear). There is another matter I also want to make perfectly plain to-day. We are not here to make an attack on anybody, we are not here to make an attack on any Court or on any official (hear, hear). We are here to attack the out-of-date principle upon which the County Courts have been administered for years, and to attack, and, if possible, find a means of remedying the defects in the system of administration. Now in order that the matter may be fully understood it will be necessary to go back a little bit, and there are two questions that I think this meeting should have before them, and I know the Commercial community have them before them. The first of these questions is this: If you can put yourself in the position of a merchant or trader, which would you prefer—to give credit to a customer in a country where debts can be quickly and cheaply recovered, or in a country where difficulties are placed in the way of recovering debts? Having answered the question to your own satisfaction, I would ask you this further question: Are the methods at present available for recovering small debts in Ireland such as would warrant you in giving credit, or, in other words, if your debtor is well able to pay, but unwilling, are you, in existing circumstances, able to compel him to pay? Now, we all know that trade and business cannot be carried on unless credit is given in a country, and the better facilities there are for recovering debts, the more readily will credit be given, and the trade and business of the country increase. In order to find the first Act of Parliament dealing with what I may call small debt recovery in Ireland, one must go away back for a great number of

years. Perhaps I may mention in passing that there is one matter which often annoys me considerably, and that is, when I hear it said: "Oh! look at the grand means of recovering small debts they have in England." Why, before ever such a thing as a County Court was heard of in England we had our local small debt Courts in Ireland. It was not until the middle of the last century that anything was done in a practical way to enable small debts to be recovered in the County Courts in England. In Ireland, however, an Act of 9th William 3, Chap. 15, after reciting that it would conduce to the advancement of trade if there was a summary way of recovering small debts; and accordingly enacted that in every County and City and County of a City or a Town, a Registrar should be appointed who should be a resident, and who was thereby empowered on evidence as set forth in said Act being produced to his satisfaction, to issue bonds in the nature of judgments. All payments on account had to be endorsed on the bond. This Act provided for warrants to be executed by the Sheriffs and bailiffs. It also provided that the Sheriffs were to make returns to the Registrar before the next Quarter Sessions, and condemned the Sheriff who refused to execute in treble the amount of the judgment and costs. So that in the third year of the reign of King William III. we had, what seems to have been, a more expeditious means of recovering small debts than at the present time. There is another matter I should like to call attention to in connection with small debt recovery, and that is, that the County Dublin has always been placed on a better footing than the rest of Ireland in connection with such business. The Court of Quarter Sessions sitting at Kilmainham apparently had all the jurisdiction and power of the Assize Court, and a King's Bench Judge or one of His Majesty's Sergeants-at-Law, if present, had the right to preside there. The next Act that deals with small debt recovery is the Act of 1715. That gave the Judges of Assize, who, up to this time, had no power to deal with such matters, power to hear and determine certain claims up to £10 upon "English Bill" or "Paper petition," subsequently called "Civil Bill." In 1725 their jurisdiction was extended to £20, and in 1757 the same power

the Judges of Assize possessed were given to the Recorder of the City of Dublin. Then in 1787 an Act was passed appointing assistant Barristers to assist the Magistrates at the Courts of Quarter Sessions, and in 1796 there was apparently the first great attempt made to codify and bring into some kind of regularity the laws that had been scattered over different Acts of Parliament in connection with the small debt recovery business in the County Courts. That Act of 1796 took away the powers that the Judges of Assize had as Courts of first instance of dealing with these matters, and made the Assize Court a Court of Appeal. The jurisdiction of the Assize Courts was transferred to the Assistant Barristers that had originally been created by the Act of 1787 with an appeal from their decisions to the Assizes, and that Act of 1796 is the foundation of the small debt recovery legislation and Civil Bill Courts in this country. The 1796 Act as amended from time to time remained in force until 1851, when the 14 and 15 Victoria was passed, and a very large part of that Act—practically all of it—was lifted bodily out of the Act of 1796, and put into the Act of 1851. There were some Acts dealing with Sheriffs and matters of detail, but there was very little in the way of general County Court legislation after that year until 1877, when we got the last great County Court Act. And that is, speaking generally, how we stand at the present time as regards Acts of Parliament dealing with these matters. It did not take very long for the Merchants and Traders and the Profession to find out that there were defects in the Act of 1877 which ought to be remedied, and suggestions were made and agitations got up. In 1895, matters having come to a head, we find a deputation from the Traders waiting upon the Lord Chancellor. In 1896 the Dublin County Court Practitioners issued a manifesto in which they stated how they thought the procedure should be amended. In 1899 the Merchants again saw the Lord Chancellor, who, in 1900, brought in his first Bill, which failed to pass, and was re-introduced in 1901. In 1906 Mr. Healy brought in a Bill; and the same year the Sheriffs brought in a Bill, while in 1907 Mr. John Gordon brought in a Bill. In 1908 Mr. Gordon again brought in his Bill and in 1909 came Mr. Field's Bill.

In the same year we prepared and sent forward a Bill which was considered by all interested, and apparently approved of by everybody, and it was brought in by Mr. P. J. Brady—whom I am glad to see here to-day—at the request of the Incorporated Law Society. We all know the history and vicissitudes of that Bill. We all know that it had everybody's blessing, and apparently no one could say anything against it. I use the phrase "against it" advisedly, because we, from whom it originated, and those by whom it was brought in, knew and understood that its provisions did not go half as far as they might have gone. We foresaw, however, that if we sought to introduce all those things which we knew were required there would be a hundred opposing it instead of one or two. We reduced the provisions of the Bill to the lowest minimum to meet the opposition and wishes of everyone interested, and what has been the result? The result is that we are now in exactly the same position as we were in 1895 and 1896 when we started the agitation first. I felt, and those with me felt, that unless something could be done to let the public see and know that it was not the Solicitors' profession who were opposed to these most necessary reforms, that we would be blamed, and that we would continue to be blamed for nothing practical having been done to carry out the reforms that everybody wanted to be carried out. The Public Press is the only means whereby we can show that we, at all events, are not to blame, and we come here to-day to try, if possible, to get something done, to have some progress forward made. If we cannot make any progress, if nothing can be done to obtain the reforms we, as a profession, desire, then all we can say for our part is that it is not our fault that these suggested improvements have not been made, and that if the Public and the Merchants and Traders choose to put up with the well-known existing defects, then we, as a profession, wash our hands of all responsibility (hear, hear). We ask for a Commission, and the only way to get it is to make the authorities understand that the defects in Civil Bill procedure are beyond yea or nay a most important matter to the Commercial community. I had occasion some short time ago to refer in this Hall to some statistics. I regret that I will have to do so again, but

I will make them be as short and clear as possible. In the Irish Civil Statistics for 1910 you will find that there were 14,540 writs of summons issued in the High Court. Now, unfortunately, that return does not show the amounts for which these writs were issued, and it has only been by going through various unofficial lists of writs issued and judgments marked in which the amounts of these writs and judgments were recorded, and by making calculations, that I have been able to ascertain the amount that these 14,540 writs would come to. Taking the period of twelve years, I have arrived at the average amount for which a writ is issued as being £35, and multiplying that by 14,540 you can see that £508,900 is the amount for which writs are issued annually on the Common Law side of the High Court of Justice. Let us now look for a moment at the figures dealing with Civil Bill matters in the Civil Statistics. We find that in the County and City of Dublin in the same year—1910—there were 6,799 Civil Bills actually entered for hearing, which is a different thing from being issued, because these 6,799 are cases in which decrees were made for either party, or payment made or the case settled between the parties. In the Belfast Recorder's Court the number was 7,397, making a total of Dublin and Belfast of 14,197, or very nearly as many cases as writs were issued for the whole of Ireland. Now, in the whole of Ireland there were Civil Bills entered for hearing to the number of 82,153, or about five times as many as the writs actually issued in the High Court. Who can say, or what Government could say (if this matter is placed before them properly) that such a volume of business is not an important matter for the Merchants and Traders of this country? Now, it is curious to see how the averages go. The average amount, taking cases entered for hearing as a basis, for which a decree is made in the City of Dublin is £7 3s. 4d., in County Dublin it is £8 13s. 4d., in the Belfast Recorder's Court it is £4, and for all Ireland the amount is £5 10s. 0d. The number of cases entered for hearing in all Ireland is 82,153, and striking an estimate at £5 10s. each, we arrive at £451,841. Any County Court Practitioner's experience is that at least additional Civil Bills to the amount of one-third of those entered for

hearing are settled before entering them, £150,619 must be added, we, therefore, find that the enormous sum of £602,453, in round numbers, is recovered, or sought to be recovered, annually by means of the Civil Bill Courts in Ireland. More than half-a-million of money and nearly £100,000 more than is actually dealt with by writs at the Common Law side of the High Court. Is not that an important matter and a suitable one for the Government to deal with by a Commission after 16 years of agitation? (hear, hear). If something is not done, what is to happen? Are we going to muddle along just as we have been doing for the last sixteen years, trying to get a Bill passed which everybody says ought to be passed? Is there to be no finality to it? If not, how is business to be carried on at all? So much for the means of obtaining decrees or judgment in the Civil Bill Court for small debts. Now, take the Sheriff's office, and we find that things are in even a much worse condition than they are in the Civil Bill Courts. The Sheriff has absolutely no fixity of tenure. The Under Sheriff does the work, and the High Sheriff appoints him. The High Sheriff must change annually, and the new High Sheriff may appoint a new Under Sheriff every year. How can any man be expected to do his work as Sub-Sheriff in a business-like way and take an interest in his work when he knows his position is such an insecure one. Since this matter came forward I have received a very large number of communications from Sheriffs in Ireland. The two matters that seem to press upon the Sheriffs are, first, the difficulty of getting reliable bailiffs to do the work at the remuneration allowed, and, secondly, the difficulty of determining and quickly adjudicating upon third-party claims. These are matters we have dealt with over and over again by the Bills introduced, and yet we cannot get anything practical done. Personally, I have every sympathy with the Sheriffs. Take one instance which illustrates the position of matters completely: The Plaintiff lodges his decree, and says, "I want this money realized." The Sheriff may never have seen the Defendant, and may not know anything about him. What is he to do? The defendant may live twenty miles away, and the Sheriff must employ and send out

bailiffs and pay them for their time, and also pay their car hire. The Sheriff has no permanent staff. He must employ such men as bailiffs as he can get from time to time. The bailiffs go out and attempt to make a seizure. The defendant may have moved his goods to some friend's place. How are the bailiffs from a distance to find out about this? The defendant may have goods capable of being seized, but there is rent due to the landlord amounting to more than the goods are worth. Again, there may be goods in the defendant's premises, but they are claimed by the defendant's wife or his mother-in-law or some other member of his family, and there is no means of cheaply and quickly trying and determining the validity of such claim; the Sheriff is compelled to make a return to the plaintiff of "No goods," and, in consequence, is out of pocket to the extent of at least 10s., which the plaintiff is not liable to him for. Is it reasonable that the law should be in that state? Surely the Sheriff should be a permanent official; surely means of supplying and paying reliable bailiffs should be provided for him; surely third-party claims should be determined cheaply and quickly. But I have said enough to start the discussion. I know there are representatives here from the Solicitors' Associations in the country, and I am sure they will have a great deal more to say on the subject than I have, and be able to say and to put the arguments in much a better way; I will, therefore, leave the matter to them to deal with, and beg formally to move the resolution which has been read by the Secretary to-day (applause).

MR. JAMES BRADY:—I have very much pleasure in seconding the motion. I agree with Mr. Craig that this is a matter of public interest, a matter in which the public are mostly concerned now. That there are difficulties in the existing County Court procedure in Ireland I don't think anyone can deny. We have been endeavouring for the past sixteen years to remedy the evils, but, so far, without success. Every time we have made a move in the right direction we were blocked in one quarter or another. You have heard from Mr. Craig of a number of Bills promoted in the House from time to time, and the result. That the system at present under which County Court procedure

in Ireland is conducted is a bad system nobody can possibly deny, and the system that permits the existing condition of things to continue is one that, in my judgment, ought to be remedied, and remedied without any further delay. I know that for the past 16 years, year in and year out, eloquent speeches have been delivered on the subject; able Press reports and articles have been written, and numerous letters sent from different organizations and different persons to the Press. But, so far, they all appear to be futile. No real advantage has been gained. The moment a Bill is introduced into Parliament to carry out any of the ideas expressed in those speeches, articles or letters, somebody steps in, we know not who, and blocks us, and there is an end to the matter. It is a long time ago since the County Courts Act was passed, it was in 1877, and many strange things have happened since then, and great progress has been made in all business pursuits since that day. But the only business pursuit which cannot make progress is the County Court practice and procedure in Ireland. Why should it not be brought up to date? Why should there be any objection? I have often asked myself the question, and I am quite certain that many of my brethren throughout the country have asked themselves the question, why this legal procedure of County Court practice in Ireland should stand clogged and no progress made? I know that since the year 1877 the jurisdiction in the different County Courts throughout Ireland has been enormously increased; we all agree with that. Nobody can deny that many statutes vesting very extended jurisdiction in the County Courts throughout Ireland have been passed and the business enormously increased. But the old procedure remains so that, notwithstanding the ability of the men appointed to the position of County Court Judges, no one questions their ability or honesty to do the business; but these men themselves protest from the bench that the conduct of the business in their Courts cannot progress in consequence of the clogged and ancient practice and procedure. We have endeavoured to assist them; but every time we have come to their assistance we have met with the same objection. I have no desire to mention any person's name in

connection with the delay in any County Court procedure. I know the excuse is made that all the delay arises from want of new rules and new statutes to enable work to be more quickly performed. We hear these complaints and listen to them, but we have never had an opportunity given us of hearing from any quarter what the reasons are for these objections, and what would be the best means of remedying the existing evils. I have formed the opinion that the time has arrived when these gentlemen ought to be brought to book, and that they should have an opportunity of expressing before a Commission what their ideas are in regard to progress and what remedies are to be effected. Then and not till then will we have some remedy for this matter. I do not want to hide from this meeting what, I am sure, is common knowledge that, as some of my friends said to me, I was a stormy petrel in the performance. I honestly admit that after sixteen years it is time the storm should cease (hear, hear). Now that we have met at the beginning of a new and, I hope, a prosperous year for all of us, may I ask and may I hope that, as we have met here with business-like ideas, you will all see the usefulness of the proposition made by my friend Mr. Craig in his able and temperate speech, and that you will all agree with the suggestion of the Sessions Bar of Dublin that the only possible way of ending existing grievances is to have this resolution given effect to. I am sure if it is given effect to, a means will be found out of the difficulty. I know so far as I am personally concerned of the many complaints that reach my ears, and no man in this room who practises in the County Courts in Ireland will deny that many complaints are made and continue to be made daily on this subject. The matter is one which really rests with the public themselves. They employ us. When they employ us the only thing we can do is to carry out the procedure and practice. That is a slow process, and it is a process that requires to be remedied. I am prepared myself, with my colleagues, to attend before a Commission and testify on oath, if necessary, what, in our judgment, would be the proper course to pursue to end this difficulty. Mr. President, no one in this room feels more honoured and pleased at the position which

you occupy to-day than I do. May I ask those present if they consider that we have made a case here to-day after they have heard the different speakers; may I implore them to unanimously support the proposition of my friend Mr. Craig.

MR. J. R. STRITCH, in supporting the motion, said:—I had the privilege of attending Wolverhampton Sessions, and saw how the work was carried on there, and it has often struck me as a peculiar thing that we do not get such an Act of Parliament over here. Under their Act of Parliament, when a *subpœna* is issued and is not obeyed, the Judge can order imprisonment. In this country a witness not attending can be fined a sum not exceeding £10. What is the result? You *subpœna* a gentleman to attend and prove his means—this is the practice in Green Street; and although he gets the summons requiring to attend personally, he does not attend and is fined £5. The English Act is advantageous from another point of view. Here, if a man living in Dublin sues a man in the country for a small sum, and the latter enters a defence, the plaintiff will have to go down and prove the debt. But in nine cases out of ten he won't go on, owing to the small sum involved, and he loses his debt. In England it is different, and if the English system prevailed here, a defendant from the country would have to attend at Green Street.

MR. T. W. DELANY (Longford), said:—The Solicitors in County Longford approve very heartily of the proposal which has been so very well made by Mr. Craig. However, our only difficulty in the matter is that these resolutions do not go far enough. As I gather from the speech of Mr. Craig and the phrasing of the resolution, the object of the Commission is to inquire into how you can better the procedure in the County Courts. After twenty years' experience in the country I say, and I voice the opinion of my brother Solicitors in the County Longford, that the resolution proposed does not go far enough. The County Court is the poor man's Court, and the poor man ought to have all the luxury and opportunity of going to law that the rich man had in the past. I may put it that unless you go further and have reform in jurisdiction and proper setting out of all the work that should go before the County

Court, a Commission would be largely a waste of time. We realise that when we come to the Four Courts, we come more or less to a wilderness, and that when we go back to the County Courts we go back to a place full of life and business. But there are a great many obstacles placed in the way of those who have of necessity to go to law to seek redress of an honest grievance. If the resolution was amended in the way I suggest, it would have the hearty approval, not merely of the profession, but of the public who have to go into the County Courts, and who would go in under different circumstances in much larger numbers. Everyone knows the procedure is antiquated, and that there are a hundred and one ways in which it might be improved. The only way I can see that it can be done is by having proper procedure jurisdiction, and proper machinery. The only way I can see of having the improvements carried out in the way of proper procedure jurisdiction and machinery, is by putting the benefits of our experience before the Commission. But I think we should try and induce the Government to give us the opportunity of providing for the public the proper conveniences that modern civilisation requires, and that the poor man is entitled to have just as much as the rich. In hundreds of cases actions are neglected simply because of the expense of coming to Dublin, and the uncertainty of the result makes men very chary of going to law. I think that amongst Solicitors there should be no arguments necessary to convince them of the absolute necessity of the procedure now suggested by this resolution being adopted. I think that instead of giving instances of how much better off they are in England and Scotland we ought to make up our minds to agree to the resolution proposed and devise such machinery as will bring about the result asked for. Evidence could be given by the most skilled representatives of the profession, and even by members of the public. Let the Commission in its turn properly report, and we shall have an unanswerable case not in the interest of the profession merely, but of the public at large.

SIR JOHN P. LYNCH, said:—I am entirely in favour of the reforms suggested, but I think that in asking for a Royal Commission to inquire into a subject of this kind,

we are going backward instead of forward. We all know what Royal Commissions have been in the past. They hear evidence and draw up reports, and then the whole matter is shelved, and at the end of ten years nothing has been done. We have already drafted a Bill; the profession approve of it, and it has been submitted to Chambers of Commerce all over Ireland, and they approve of it. It has been submitted also to other bodies, including the Bar. The Council of the Incorporated Law Society approve of it; in fact, it has gone forward with the approval of everybody. But, unfortunately, it is brought forward in Parliament by a private Member, with the result that if any single Member says, "I object," without assigning any reason, he blocks that Bill. We don't require a Royal Commission to formulate procedure or amendments for us, because skilled members of the profession have themselves put forward their ideas in a measure that has been approved by all parties concerned. I think it would be better if you would say that we will take steps to have this measure accepted as a Government measure, and brought forward as such at the earliest possible opportunity. If you go in for a Commission I think you will defeat your own object, and instead of completing the matter at once you would be simply postponing it. I, therefore, propose as an amendment: "That with the object of removing difficulties which exist with regard to the procedure in the County Courts in Ireland, the Government be requested to adopt the County Courts (Ireland) Bill as brought in by Mr. Brady as a Government measure, and that the Council take all necessary steps to carry out this policy."

MR. H. SHANNON, in seconding the amendment, said:—I did not come here intending to make any remarks. I fill the position of Honorary Secretary of the County Tipperary and King's County (Birr Division) Sessional Bar Association, which is an Association in a most flourishing condition, and the strongest in the country, representing over fifty members of the profession. As Mr. Craig has stated, it is desirable that the public should know that the profession are not to be blamed in any case for what has occurred in the past. In the County Tipperary the members of the profession

recently considered this matter, and they considered the provisions of the Bill introduced by Mr. Brady and the Bill suggested by Mr. O'Shea, and we put them side by side, and the outcome of our consideration was that we should approach the Incorporated Law Society and ask them to arrange a conference between this Association and the other Associations who are interested. We had some few amendments to suggest to the Bill of Mr. Brady in its present form. I have not had time to ascertain the views of the members generally, but, speaking for myself, I would oppose the appointment of a Commission for this reason, that a Commission is merely appointed to shelve the question—very often it is appointed for that purpose. Then again, we have no guarantee who would be appointed on the Commission. It might be an Englishman or a Scotchman, who would not be so competent to deal with questions concerning the grievances of the profession in Ireland. The professions concerned in these questions are those of Solicitors and the Bar. If they consider the details the result will be the formulation of a good Bill in which the various interests will be united, and you will have no difficulty in getting the Government to take it up and carry it through. We are all agreed in regard to the necessity for amendment in reference to the office of Sheriff; but surely that is a matter the profession are competent to deal with. My experience in the country is that no litigation is prevented owing to prohibitive costs. On the contrary, the profession—the Solicitors' profession—are most inadequately remunerated, I never knew a case in which a client was prevented from going into Court for this reason. We are all agreed as to the necessity for a Bill, and the only question is as to the method to be adopted for getting out of the present deadlock. I have much pleasure in seconding the amendment, with the alteration that we should have a conference between the Council of the Incorporated Law Society, the Bar, the Solicitors' Sessional Bar Associations, and the Mercantile Associations. The result of that conference will be that we shall have a Bill in which the various interests will be united, and then there will be no difficulty in getting the Government to take it up.

MR. W. GROVE WHITE said:—In 1889

we took the views of all the Counties, and they were put on record here. I have never heard a complaint as to the procedure in the County Court. The complaint as to procedure came mainly from Dublin, and the speakers who have spoken on this matter to-day are mainly from Dublin. As a representative of Leinster during the time I was on this Council, we had no complaint from the country in reference to the procedure in the County Courts. According to the resolution complaints are made and grievances alleged to exist with regard to the procedure in the County Courts in Ireland. I say that no complaint was made except by the County Court in Dublin.

MR. R. A. MACNAMARA said:—I am in a position to say something with reference to Mr. Brady's Bill, inasmuch as it was fully considered by us during my year of office as President. It was approved by every Association throughout the country. We had conferences with Members of Parliament, the Chambers of Commerce, and the Bar Council, and everyone we could think who would be of advantage or otherwise with the result that the Bill was unanimously approved of. I do not think Mr. White is quite correct when he says that no complaints were made except from Dublin, because we received complaints from all parts of Ireland as well as from Dublin. But I think it would be a retrograde movement to ask for a Commission, as it might be taken that it was the opinion of the profession that the Bill was not right as it was brought in. I think what we should do is to pass the amendment asking the Government to take up the Bill and introduce it as a Government measure.

MR. J. J. O'SHEE, M.P.—Mr. Shannon has no authority as Secretary of our Association, to second the amendment. We agreed to have a conference between the different Associations in Ireland with the Incorporated Law Society, as well as representatives of the Bar of Ireland and, of course, with the merchants who are most vitally concerned in this matter. I say on a point of order that that amendment has not been seconded.

SIR JOHN P. LYNCH:—My intention is that there should be a Government measure produced which is this Bill. I do not at all say that the Bill, as it stands, should be accepted without an amendment. It is quite

open to anybody, Country Practitioners or anyone else, to come forward and suggest amendments. My object is to have this Bill brought in as a Government measure.

MR. HENRY SHANNON:—I thought I made it clear at the outset that I did not speak as Secretary. I spoke entirely on my own behalf. In seconding the amendment I may say that the views of country practitioners and their amendments will receive full consideration.

MR. P. J. BRADY, M.P.:—I had no intention of speaking to-day; because I did not think I could add anything useful to that which has been so very well said. But a remark made by Sir John Lynch provokes me from my silence; and I wish to say this, we all proceed on the assumption that the Government will take up this Bill if a resolution goes forth to that effect from this meeting, backed up by the Council of the Incorporated Law Society. But that may not be quite such a matter of certainty. The Government would take up the Bill only if they were assured it would be an unopposed Bill. Night after night there were not alone blocking motions on the paper against my Bill, but I was also told by other members who had not put down blocking motions that they would oppose the Bill at every stage. I think that there is a possibility of the Bill finding its way to the Statute Book if even now another conference took place, and if those who object to the Bill would come and discuss the matter at a round-table conference in a friendly manner. We all agree there is a necessity for improvement in County Court procedure which is archaic, obsolete. If we are all agreed on that, surely it is not impossible to give statutory expression to our views. But I think there is not the slightest use in asking the Government to take up this measure, unless we are in a position to assure them that all classes in Ireland interested are in favour of it. It is with the honest desire to help, not alone the profession, but also the commercial community of this City and of the country generally that I make the suggestion that even now it might be worth while to try another conference. Speaking as a comparatively new member of the Council, I may be of some assistance to my colleagues by suggesting to them the names of persons

whose presence would be very desirable at the conference.

MR. W. V. SEDDALL :—I would suggest the words "with such amendments as may be suggested" be inserted. I entirely agree with my friend Mr. Brady that one of the most essential steps the Council would have to take before they could approach the Government would be to have a conference with all the interested persons, so as to be able to assure the Government that if they take up the Bill it will be unopposed. The amendment as it stands in no way precludes the conference suggested by Mr. Shannon and others.

MR. O'SHEE, M.P., said :—May I say that I am entirely in favour of the original motion, with the amendment suggested by Mr. Delany. The appointment of a Royal Commission would result in the question being put off for another ten years, but if a small Vice-Regal Commission were appointed they could report in two or three months. They could limit the number of witnesses, and could decide when they had heard sufficient evidence from all interested. They could decide to close the work of the Commission, and draw up the report. The only difference between my position to-day and Mr. Craig's and Mr. Brady's is that I am one of the criminals, because I am one of the members who blocked the Bill of the Incorporated Law Society. The only reason I am a criminal is that I want more reform than either Mr. Brady or Mr. Craig. I have been told that in the County Dublin they have been hungering for the last sixteen years for County Court reform. Well, we have been hungering longer than that, and I blocked the Bill because I want, not alone reform in County Court procedure, but to have added to it reform in County Court jurisdiction, and because I do not believe in piecemeal legislation. I believe we will want a very effective Bill to bring about sufficient reform. I blocked the Bill because I thought it was only a stop-gap piece of legislation. It would not end legislation as regards County Court procedure and jurisdiction. There are many items of procedure and jurisdiction not dealt with under the Bill and which ought to be dealt with. I strongly support the original motion with the amendment suggested.

MR. T. W. DELANY (Longford) :—I do

not anticipate any speedy legislation on this subject, because according to the papers there will be very little time for taking up such an insignificant little Bill as this. I would put it to the proposer of the original resolution that he ought to adopt the suggestion of Mr. O'Shee. We must have an inquiry of some kind to remedy matters, and what easier or better way could there be than by the appointment of a Commission by His Excellency the Lord Lieutenant? If you put it to the present holder of the office that it would be in the interests of the public, he would speedily come to our rescue. We would have all the information for the Commission, and then let the Council put forward the Bill. They would have something on which to invite the Government to take this matter up next year in the interest of the profession and the public. We are unanimous after all that a remedy is necessary, and why should we fall out over trifles? Why should we accept this Bill as the full measure of our requirements? If we are going to have a Bill, let us have a decent one.

MR. J. M. McDOWELL :—I beg to support the motion of Mr. Craig. All the speakers are agreed that reform is necessary. Sir John Lynch suggests that the best means of securing this amendment is by inducing the Government to take up the Bill which has already been introduced into the House of Commons, and which has met its death. Mr. Brady, M.P., warned this meeting that if we content ourselves here to-day by passing a resolution asking the Government to adopt this Bill as a Government measure, there is no guarantee that they will do so. As far as I can learn from Mr. Brady's remarks it is not at all a probable thing that the Government will adopt this Bill as a Government measure. The resolution of Mr. Craig is, I think, the best means of securing the end in view, because if we succeed in getting the Government to take this step of appointing a Commission to inquire into the undoubted grievances that exist, the Government would be bound, not only in honour, but because it is their duty to the community to adopt whatever report the Commission would make for the purpose of remedying these grievances. That, in my opinion, is the best course for the meeting to adopt. There-

fore, I have pleasure in supporting the resolution.

MR. CRAIG :—I should just like to say that we ought to try and meet one another's views as much as possible. We ask for the Commission to decide amongst divergent opinions, and to arrive at some conclusion as to the best means to be adopted. I am quite prepared to accept the word "jurisdiction" in front of the resolution. I am also quite prepared to accept the altered wording of the resolution as it was suggested to me. The resolution will now read as follows :—

"That the Government be requested to appoint Commissioners to hold an inquiry for the purpose of reporting with respect to the following matter :—What amendments in the existing law and procedure are desirable for the better working of County Courts in Ireland"

I am quite satisfied to accept that, and I would ask the meeting to accept it, and that no amendment be pressed. The question of the amendment is a difficult one, because it ties the meeting to a certain Bill or certain procedure, whereas the resolution in its amended form leaves the whole matter open for the Government to appoint a Commissioner to hear all views. I would suggest to my friends here that we should agree to that.

SIR JOHN P. LYNCH :—I withdraw the amendment which I have proposed.

The Resolution, as amended, was then put by the President, who declared it passed unanimously.

The proceedings then terminated.

Meetings of the Council.

January 17th.

Postage of Letters.

Upon the suggestion of a member, it was ordered that a letter box be placed in the Library of the Society for the reception of letters for the post. The box to be cleared twice daily.

Insurance Commissioners.

A letter was read from Mr. Joseph A. Glynn thanking the Council for their resolution of congratulations to him upon his appointment

to the office of Chairman of the Irish Insurance Commissioners.

County Courts.

A letter was read from the Under Secretary for Ireland acknowledging the receipt of the resolution passed at the Special General Meeting of the Society held upon 2nd January.

A letter was read from the Hon. Secretary of the Chamber of Commerce of Dublin conveying a resolution of that Body expressing approval of the resolution passed at the Special General Meeting of the Society on 2nd January in reference to County Court procedure.

Illegal Conveyancing.

A letter was read from a country member stating that, as instructed, he had issued a Civil Bill at the suit of the Secretary of this Society against Mr. John W. Healy, of Ennistymon, Co. Clare, Estate Clerk, for the recovery of a penalty of £20, for having contrary to the provisions of 27 Victoria, Cap. 8, acted as a conveyancer for remuneration in preparing a certain lease, and that the defendant had, upon receipt of Civil Bill, paid the penalty and costs.

Labourers Acts Costs.

The Local Government Board, in the month of June, 1911, wrote in reply to the Council relative to the liability of Rural District Councils who might be taking plots for labourers' cottages from holdings which are being sold to tenants under the Land Purchase Acts, to defray the costs of amending the purchase agreements lodged in such cases with the Estates Commissioners, stating that "the papers in the matter having been laid before the law officers as suggested, the Attorney-General observes that the question involved is obviously one of difficulty, and the fact that there is such a variance of opinion among lawyers of great experience in such matters, appears to him to make it desirable that a decision of a Court of law on the point should be sought in some particular case."

Senior Counsel was then consulted on behalf of the Society, and he expressed the opinion that he could at present see no way of bringing the matter before a Court. In

the month of July the Council wrote to the Board sending the opinion of Senior Counsel (who had previously advised that owners are entitled to compensation from Rural District Councils in respect of the costs they are put to in amending the agreements), and requesting the Board to take steps to remedy the matter to which attention had been drawn, or in the event of the Board not acceding to this request, stating that the Council would be glad to know the manner in which the Attorney-General suggests a decision of a Court of Law on the point could be obtained. Subsequently the President of the Society had an interview with the Vice-President of the Local Government Board, when the President urged the desirability of a fee being fixed by the Board in respect of the costs of amending the agreements, to be paid by the District Councils, but the Board declined to adopt the suggestion.

A letter was now read, in reply, from the Board stating "that it does not appear to be a matter within the province of the Law Officers to advise the Incorporated Law Society as to the manner of raising the question before a Court of Law."

The Council referred the matter to the Costs Committee for further consideration.

Quarter Sessions Lists.

Upon the recommendation of the County Courts' Committee, the Council passed the following resolution, and directed that a copy be sent to the Under Secretary for Ireland to submit to His Excellency the Lord Lieutenant:—"Resolved: The Council of the Incorporated Law Society of Ireland desire to call the attention of His Majesty's Government to the great public inconvenience which would be caused by the discontinuance of the printing and advertising of the following lists and notices in connection with the administration of the County Courts in Ireland:—

- (1) Printing Lists of Quarter Sessions for posting.
- (2) Advertising dates of Quarter Sessions.
- (3) Printing Lists of Applications for Licences under Licensing Acts.
- (4) Advertising the Appointment and Removal of Civil Bill Officers.
- (5) Printing Lists of Notices of Application

for Compensation for Criminal Injuries.

- (6) Printing Lists of Civil Bill Appeals to the Judges of Assize.

The Council respectfully request that His Majesty's Government take steps to ensure the continued printing and publishing in connection with the foregoing lists and notices, the discontinuance of which is threatened owing to the decision of the Court of Appeal in Ireland in the case of *Rex (Cloherly) v. The Galway County Council*."

Certificates.

Applications under Section 47 by two Solicitors for liberty to renew their annual certificates, and by two other Solicitors for liberty to take out their first certificates were considered, and in the four cases orders were made granting the applications.

Assignments of Indentures.

Applications on behalf of two apprentices for liberty to have their indentures assigned, the Solicitor to whom they were bound being about to retire from practice, were submitted and sanctioned.

Law Clerks.

Petitions from two Law Clerks for liberty to be bound under Section 16, and reports from the Court of Examiners thereon were considered, and both petitions were refused.

A memorial of a Law Clerk under Section 18 for a modified Preliminary Examination was considered, and it was resolved that the application be not opposed.

January 31st.

Quarter Sessions Lists.

A letter was read in reply from the Assistant Under-Secretary for Ireland, stating that their Excellencies the Lords Justices are advised that the matter of the liability for the cost of certain printing and advertising connected with the office of the Clerk of the Crown and Peace is one entirely for the County Councils, who will doubtless consult the public convenience.

It was resolved to write to the Secretaries of County and Borough Councils expressing the hope of the Council that provision will

be made for the printing and advertising referred to, as heretofore by the County and Borough Councils.

Labourers Acts.

A letter was read from a country member stating that in a case where he had furnished title to a District Council upon behalf of a judicial tenant prior to the Labourers (Ireland) Order, 1910, and the District Council had refused to send on his costs for taxation, contending that he was bound to accept the fee of half-a-guinea fixed by the Order of 1910, he had, on the suggestion of this Council, proceeded against the District Council by *mandamus* to compel the District Council to send on his Bill for taxation, with the result that, having obtained a conditional order, the costs were sent on for taxation, and his costs of proceedings in the King's Bench had been paid by the District Council. He expressed his thanks to this Council for their assistance in the matter.

Examination Results.

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

Certificates.

Applications under Section 47 by three Solicitors for liberty to renew their annual certificates were considered, and in the three cases orders were made granting the applications.

Council Meetings.

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

February 14th and 28th.
March 13th and 27th.

Committee Meetings.

THE following Committee meetings were held during January :—

Gazette, 11th.
County Courts, 12th and 22nd.
Privileges, 24th.
House, Library and Finance, 25th.
Court of Examiners, 29th.

New Members.

THE following joined the Society during January :—

Clay, Henry T. K., 23, Suffolk Street, Dublin.
Coulter, Wm. J. M., 37 Molesworth Street, Dublin.
King, John H., Downpatrick.
O'Hanlon, Henry A. B., 73 Dame Street, Dublin.

Legal Appointment.

THE Lord Lieutenant has appointed Mr. Alexander Gartlan, of Newry, and 32 Lower Ormond Quay, Dublin, to be Crown Solicitor for the County of Louth, in the room of the late Mr. Michael C. Moynagh.

Commissioners to Administer Oaths.

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

Patrick Campbell, Stockbroker and Land Agent, Londonderry.
Frederick Lester, Clerk of Petty Sessions, Ballybay.
Michael McDaid, Registration Agent, Londonderry.
George E. Stewart, Estate Agent, Receiver and Stockbroker, Londonderry.

Obituary.

MR. MICHAEL C. MOYNAGH, Solicitor, died upon the 15th January, 1912, at his residence, Roden Place, Dundalk.

Mr. Moynagh, who served his apprenticeship with the late Mr. Charles McHenry Denvir, Dundalk, was admitted in Trinity Term, 1870, and practised in Dundalk.

He was appointed Crown Solicitor for County Louth in the year 1895, and occupied that position up to the time of his death.

MR. HUGH MCGONIGAL, Solicitor, Westport, died upon the 17th January, 1912, at Hove, Brighton.

Mr. McGonigal, who served his apprenticeship with Mr. Alfred B. Kelly, Castlebar, was admitted in Trinity Sittings, 1902, and practised at Castlebar, in partnership with

Mr. A. B. Kelly (who carries on the business) under the style of Kelly and McGonigal.

MR. ROBERT A. ROSS TODD, Solicitor, Ballyshannon, died upon the 19th January, 1912, at Ballyshannon.

Mr. Todd, who served his apprenticeship with Mr. J. M. Ross Todd, 14 Westmoreland Street, Dublin, and the late Mr. Paul Dane, of Ballyshannon, was admitted in Trinity Sittings, 1880, and practised (formerly in partnership with the late Mr. Dane) at Ballyshannon, under the style of Dane and Todd.

Recent Decisions affecting Solicitors.

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

COUNTY COURT.

(Before His Honour Judge Overend, Recorder of Londonderry).

Proctor v. Limavady Rural District Council.

January 13, 1912.—*Labourers Acts costs—Furnishing title on behalf of judicial tenant who has signed an agreement to purchase under Land Purchase Acts—Labourers (Ireland) Order, 1910.*

THIS was a Civil Bill heard at Limavady, in which James E. Proctor, Solicitor, sued for the sum of £2 10s. 1d., amount of a Bill of Costs for furnishing title to a plot of land taken by the Limavady Rural District Council under the Labourers Acts as a site for Labourers' Cottages.

Dr. J. C. B. Proctor, Solicitor, appeared for the Plaintiff, and Mr. William Horner, Solicitor, for the Defendants.

Dr. Proctor, stating the case, said that Mr. J. E. Proctor, Solicitor, acted for Martha Crilly, on whose land a site had been taken by the Limavady Rural Council for the erection of a labourer's cottage. Martha Crilly was a judicial tenant, and had signed an agreement for the purchase of her holding under the Land Purchase Act of 1903. The title was furnished in January, 1911, to Mr. Horner as Solicitor for the Council, and plaintiff's bill of the title costs was sent to the defendants, and amounted to £2 10s. 1d., which was made up of £2 2s. 0d. fee and outlay. On the 8th September, 1911, the plaintiff received a letter from the Clerk of the Council saying

that as the holding of his client was a judicial tenancy, a fee of half-a-guinea was all that was payable for deducing title in respect of same under the Labourers (Ireland) Order, 1910. Dr. Proctor stated that before the Local Government Board Order of 1910 the position was as follows:—A solicitor for furnishing title on behalf of an owner or lessee was entitled under Rule 55, Clause 5 of the Labourers (Ireland) Order, 1909, to tax his bill of costs drawn in accordance with the scale in the Order, or under Clause 8, he could accept at his option a composite fee the amount of which varied in respect to the amount of compensation payable. For furnishing an abstract of title on behalf of an occupier a sum not exceeding 10s. 6d. was payable under Clause 9, and it was decided by the Lord Chief Baron in *Elliott v. Stranorlar Rural District Council* that a judicial tenant was a lessee, and accordingly that a Solicitor furnishing title on behalf of a judicial tenant was entitled to lessee costs. Subsequently the Labourers (Ireland) Order, 1910, was issued, and it provided that "where land is taken from an occupier who is neither owner nor lessee thereof, the fee payable by the Council for all expenses incurred in respect of the employment of a Solicitor by him for the purpose of deducing title to his occupation interest, shall be the sum of ten shillings and sixpence," and that "in the construction and for the purposes of this Rule the expressions 'owner' or 'lessee' shall not extend to or include (a) any tenant of a holding subject to a judicial rent fixed or agreed to under the Land Law (Ireland) Act, 1881, and the Acts amending the same; (b) any tenant holding under a tenancy from year to year or any lesser tenancy; or (c) any such tenant as is hereinbefore in this Clause mentioned who has entered into an agreement for the purchase of his holding under the Land Purchase Acts, but in whom such holding is not yet vested under the said Acts."

The question, therefore, here was: has the Local Government Board gone outside the scope of the powers vested in them by Section 31 of the Labourers (Ireland) Act, 1906, and is the Order of 1910 partially *ultra vires*? Dr. Proctor admitted the Local Government Board had power to say what

fees should be payable in respect of certain interests, but he submitted that they had no power to say who should and who should not be a "lessee." If in the Rule the Local Government Board had said "the fee for deducing title to a fee-simple interest shall be so and so, to a leasehold interest so and so, and to a judicial tenancy a sum of 10s. 6d.," then, under such an Order, they would be bound to accept 10s. 6d.

His Honour.—But it is just the same thing; their Rule only limits the extent of the term "lessee."

Dr. Proctor.—No; there is a constitutional and a non-constitutional way of doing that, and the Local Government Board have acted unconstitutionally. The law has said a judicial tenant is a lessee, and the Local Government Board have no power to say he is not.

His Honour.—I don't know; but that Order is not common honesty.

Mr. Horner said he relied on the Order.

His Honour (to Dr. Proctor).—What title did you furnish?

Dr. Proctor said he did not make a point of what title he furnished, but rested his case solely on the invalidity of the Order. He was only bound by the Act to furnish evidence of title for six years: He had done so at first, making the root of title the Fair Rent Order and abstracting the agreement for purchase. Mr. Horner would not accept this, and called for title from 1870.

Mr. Horner.—No; though I could accept evidence of title for six years, still I was advised by Counsel that I could not safely accept same and be immune from responsibility if the title did not prove good, and, therefore, I always call for proper evidence of title.

Dr. Proctor said that he complied with Mr. Horner's requisition, and showed title from 1870, to do which he had to get a certified copy of a grant of probate, certificates of death, and a receipt for a legacy under a Will from a legatee who resided in America.

His Honour went into the title furnished, and said that he was of the opinion that the title deduced was more than an occupier's title, and would, therefore, give a decree for the amount claimed and costs.

NOTE.—Notice of appeal has been served in this case on behalf of the Defendants.

Local Registration of Title (Ireland) Act, 1891.

IRISH LAND COMMISSION.

THE following directions, dated 14th December, 1911, are to supersede those dated 15th January, 1895, which are hereby rescinded:—

DIRECTIONS AS TO REGISTRATION OF TITLES.

1. When a vendor requires a certificate from the Land Commission in pursuance of subsection 1 of Section 24 of the Local Registration of Title (Ireland) Act, 1891, he, or his Solicitor, shall, before lodging the abstract of title to his estate, file an affidavit stating the particulars (a), (b), and (c) in Order II., Rule 6, of the Orders and Rules made in pursuance of the said Act, and dated 1st September, 1910, and also the full particulars of all burdens within the meaning of the said Act affecting the land. The affidavit shall be made by the Vendor, and an attested copy thereof shall be lodged with the abstract of title, and shall be briefly referred to at the head of the abstract, which shall include the land in respect of which the certificate is required.

Application for a certificate in pursuance of sub-section 2 of the said section shall be made to the Examiner, and shall be grounded upon an affidavit similar to that above referred to.

2. The certificate shall be signed by the Examiner, shall have annexed thereto an Ordnance Sheet showing the exterior boundaries of the land, and shall state in addition to the matters prescribed by the said Rule 6, (a) the date or dates up to which the Registry of Deeds and Registry of Judgment Searches were made, or other the date on which the Examiner ascertained the title to be as certified, (b) whether he has ascertained that the burdens specified in the certificate are the only burdens (other than those which under the said Act, though not registered, affect registered land) affecting the land, and (c) any matter of which he considers the Registrar of Titles should have notice.

The Vendor or his Solicitor shall lodge a draft of the certificate with the Examiner for settlement, and shall have same engrossed when settled. The certificate, when signed and sealed, shall be transmitted to the Registrar of Titles by the Examiner.

3. Before lodging a request in pursuance of

Order XI. of the Rules dated 2nd July, 1910, made under the Land Purchase Acts, application should be made to the Registrar of Titles for the cancellation of any note on the register as to rights and equities made under Section 29 of the Local Registration of Title (Ireland) Act, 1891.

4. These directions may be modified or added to from time to time by the Judicial Commissioner to whom all matters arising thereon shall be referred.

The Court of Conscience of the City of Dublin.

Table of Fees to be taken by the Registrar, as fixed by the Corporation of Dublin, on the 4th day of February, 1907, and confirmed and allowed by the Lord Chief Justice and other Justices of the King's Bench Division on the 28th day of November, 1911:—

	s.	d.
Summons, and Copy for Service ...	1	0
For each additional copy ...	0	3
Service of Summons ...	0	6
Entry for hearing (of cause not exceeding fifteen shillings) ...	0	6
Ditto (over fifteen shillings) ...	1	0
Copy Decree ...	0	1
Filing Affidavit for Substitution of service, and order for Substitution ...	0	6
Service of same ...	0	3
Fee for Appeal to Recorder ...	2	6
Warrant Notice for demand for any sum not exceeding fifteen shillings and copy for service ...	1	0
Ditto for demand for sum over fifteen shillings ...	1	6
Service if served by Officer of the Court ...	0	3
Search per month ...	0	1
Dismiss ...	0	6
To the Defendant in case of Dismiss— for loss of time and convenience— the Court may award such sum (if any), as it considers proper, not exceeding ...	2	6

This 30th day of November, 1911.

HENRY CAMPBELL,
Town Clerk.

Town Clerk's Office,
City Hall, Dublin.

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.
	1912	
Castlebar ..	Feb. 20th	Co. Mayo
Roscommon	„ 21st	Co. Roscommon
Enniskillen...	„ 27th	Co. Fermanagh
Cavan ...	„ 28th	Co. Cavan
Dublin ...	Mar. 14th	Leinster (part of)
Monaghan ...	„ 19th	Co. Monaghan
Armagh ...	„ 20th	Co. Armagh

Results of Examinations.

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

1. John B. Hamill.
2. William R. Luttrell.
3. James A. Russell.

John I. M. Carrigg passed the Modified Preliminary Examination for which he had liberty to present himself. The remaining candidates are postponed.

Seven candidates attended: four passed; three were postponed.

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

1. William J. White.
2. Arthur F. B. Watters, B.A., T.C.D.
3. J. Moore Boyle.
4. Robert Watts.
5. Charles M. A. O'Farrell.
6. John A. McArevey, B.A., N.U.I.
7. Alfred G. F. Simms.
8. Edmond B. Slattery.
9. Peter O'Connor.
10. James F. Raymond.
11. Samuel Reid, B.A., Q. U., Belfast.
12. Sharman C. Ross.
13. Daniel Sweeney.

- | | |
|------------------------------------|---------|
| 14. George C. L. Kennedy. | } Equal |
| Marcus R. Russell,
B.A., T.C.D. | |
| 16. George E. Brennan. | |
| 17. William C. M. Corrigan. | |

The Court of Examiners have awarded a Gold Medal to William J. White, a Silver Medal to Arthur F. B. Watters, B.A., T.C.D.; and a Special Certificate to J. Moore Boyle.

The remaining candidates are postponed. Twenty-six candidates attended; seventeen passed; nine were postponed.

The candidate whose examination number at the Final Examination was 14 will not be permitted to again present himself for the Final Examination till January, 1913.

Intermediate Examination.

THE March Intermediate Examination for Apprentices will be held upon Friday the First day of March, 1912. Notices should be lodged on or before Friday, 16th February.

New Solicitors.

ADMISSIONS DURING JANUARY, 1912.

<i>Name</i>	<i>Served Apprenticeship to</i>
Colohan, Martin L. ...	Hutchinson Davidson, Ballinasloe.
Cullinane, Joseph Michael ...	Maurice Healy, Cork.
Davis, Albert E. ...	George Collins, Dublin.
Dolan, Matthew R. B. ...	Gerald Tench, Dublin.
Dwyer, Michael John ...	William Dwyer, Roscrea.
Molloy, John J. ...	James Power, Birr.
Molloy, William ...	Francis J. Little, Dublin.

Calendar of the Incorporated Law Society, 1912.

THE Calendar and Law Directory, published by the Society, for 1912, can be obtained in the Secretary's Office, price Three Shillings, or by post Three Shillings and Fourpence.

Dates of Spring Assizes, 1912.

MUNSTER CIRCUIT.

- Co. Clare.—At Ennis, Saturday, March 2nd, at 11 o'clock.
 City and Co. of Limerick.—At Limerick, Wednesday, March 6th, at 11 o'clock.
 Co. Kerry.—At Tralee, Monday, March 11th, at 11 o'clock.
 Co. Cork.—At Cork, Monday, March 18th, at 11 o'clock.

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

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

Registrars.—Mr. Cholmondeley B. Clarke, Airfield, Donnybrook, Co. Dublin, and Mr. Ronald D. Ross, 66 Fitzwilliam Square, Dublin.

NORTH-EAST CIRCUIT.

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

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

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

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

Co. Down.—Downpatrick, Tuesday, March 12th, 12 o'clock.

Co. Antrim.—Belfast, Friday, March 15th, 12 o'clock.

City of Belfast.—Belfast, Monday, March 18th, 11 o'clock.

Judges.—Lord Justice Cherry, and Mr. Justice Boyd.

Registrars.—Mr. Briscoe Cherry, 92 Stephen's Green, and Mr. R. R. Boyd, 66 Merrion Square, Dublin.

LEINSTER CIRCUIT.

Co. Wicklow.—Wicklow, Friday, 1st March, 12.30 p.m.

Co. Wexford.—Wexford, Monday, 4th March, 3 p.m.

Co. Waterford.—Waterford, Wednesday, 6th March, 11 a.m.

Co. of the City of Waterford.—Waterford, Wednesday, 6th March, 11 a.m.

Co. Tipperary (South Riding).—Clonmel, Friday, 8th March, 11 a.m.

Co. Tipperary (North Riding).—Nenagh, Tuesday, 12th March, 1 p.m.

Queen's Co.—Maryborough, Thursday, 14th March, 11.30 a.m.

Co. Kilkenny.—Kilkenny, Monday, 18th March, 12.30 p.m.

Co. Carlow.—Carlow, Wednesday, 20th March, 12.30 p.m.

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

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

Registrars.—Mr. Francis Kennedy, Marinc Park, Blackrock, County Dublin, and the Hon. Edward Gibson, 38 Fitzwilliam Place, Dublin.

CONNAUGHT CIRCUIT.

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

Co. Leitrim.—Carrick-on-Shannon, Monday, March 4th, 2 p.m.

Co. Sligo.—Sligo, Thursday, March 7th, 11.30 a.m.

Co. Roscommon.—Roscommon, Monday, March 11th, 12 o'clock.

Co. Mayo.—Castlebar, Wednesday, March 13th, 12 o'clock.

Co. Galway.—Galway, Monday, March 18th, 12 o'clock.

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

Registrars.—Mr. Valentine Holmes, 33 Trinity College, Dublin, and Mr. E. H. Kenny, Marlfield, Cabinteely, Co. Dublin.

NORTH-WEST CIRCUIT.

Co. Westmeath.—Mullingar, Friday, March 1st, at 11.30 o'clock.

Co. Longford.—Longford, Monday, March 4th, at 12.30 o'clock.

Co. Cavan.—Cavan, Wednesday, March 6th, at 11 o'clock.

Co. Fermanagh.—Enniskillen, Saturday, March 9th, at 11 o'clock.

Co. Tyrone.—Omagh, Tuesday, March 12th, at 11 o'clock.

Co. Donegal.—Lifford, Saturday, March 16th, at 11 o'clock.

Co. Londonderry.—Londonderry, Tuesday, March 19th, at 11.30 o'clock.

Co. of the City of Londonderry.—Londonderry, Wednesday, March 20th, at 11 o'clock.

Judges.—The Right Hon. Mr. Justice Wright, and the Hon. Mr. Justice Dodd.

Registrars.—Mr. T. W. Wright, 116 Grafton Street, and Mr. Huston Dodd, 94 Marlborough Road, Donnybrook, Dublin.

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

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

THE GAZETTE

OF THE

Incorporated Law Society of Ireland,

SOLICITORS' BUILDINGS, FOUR COURTS, DUBLIN.

Telegrams: "Law Society, Dublin;"

Telephones 2607 (2 lines).

March, 1912.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 9.]

March, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

February 14th.

Sale of Immature Stock.

A letter to the President from the Secretary of the Treasury was read, in which was enclosed a copy of statutory rules, dated 24th January, 1912, made under the Land Purchase (Ireland) Acts, and attention was drawn in the letter to Rule 9 (9) relating to the sale of Immature Stock, which rule carries out the suggestion contained in a memorandum by the Council prepared last May. The letter appears in this GAZETTE.

Apprentices' Debating Society.

A report from the Finance Committee recommending the Council to give increased financial assistance to the Debating Society was adopted.

Labourers Acts Costs.

A report from the Costs Committee was submitted in reference to the liability of Rural District Councils (who take plots for labourers' cottages from holdings which are being sold to tenants under the Land Purchase Acts) to defray the costs of amending the purchase agreements lodged with the Estates Commissioners. The report stated that Senior Counsel had advised that such costs are not title costs, but that they are an expenditure incurred by an owner in consequence of a breach of contract with his purchasing tenant arising from the action of the Rural District Council in compulsorily acquiring portion of the land agreed to be sold, and in respect of which expenditure the

owner should be awarded compensation by the Arbitrator. The report stated that the Committee could not recommend the Council to take any further action at present in reference to the matter. The report was adopted.

Finance (1909-10) Act, 1910.—Form 4.

A report from the Costs Committee was submitted, in which it was stated that the question contained in the English Form 4, "If the person making the return is also the occupier, state the annual value," and in respect of the insertion of which question the English Form 4 had been declared to be invalid (*Dyson v. Attorney-General*, Times Law Reports, Vol. 28, page 77), is not contained in the Irish form, so that the decision does not apply to the Irish form.

The Committee further reported that they cannot recommend any fixed fee to be applicable in all cases in respect of the costs to be charged by Solicitors for filling up Form 4, but suggest that the costs in each case should be charged upon a *quantum meruit* basis. The report was adopted.

Certificates.

Applications under Section 47 by three Solicitors for liberty to renew their annual certificates were considered, in two of the cases orders were made granting the applications, the third was postponed for further information.

Law Clerks.

Petitions from two Law Clerks under Section 16, and reports from the Court of

Examiners thereon were considered, and both petitions were refused.

February, 28th.

Sporting Rights under Land Purchase Acts.

A letter was read from a country member suggesting that the Council should take steps to secure the issue by the Irish Land Commission of certificates of the reservation of sporting rights to Vendors of estates under the Land Purchase Acts. The letter was referred to the Land Acts Committee.

Coat of Arms of the Society.

Correspondence with Ulster King of Arms in reference to the Coat of Arms of the Society was submitted. It was resolved that application be made for a Grant of the Coat of Arms heretofore used by the Society, in a slightly altered form.

Quarter Sessions Lists.

Letters in reply to the circular letter of 12th February, sent by the Council to County and Borough Councils, were read from the Secretaries of the Councils of the following counties: Cavan, Donegal, Kings, Tyrone and Wexford, intimating that those Councils had decided to continue to pay for the printing and advertising in connection with the County Courts as heretofore.

Certificates.

Applications under Section 47 by three Solicitors for liberty to renew their annual certificates were considered, and orders were made granting the three applications.

Long Vacation.

A report was submitted from the Court and Officers' Committee recommending the Council to suggest to the rule-making authority that Order LXIII., Rules 1 and 2, should be amended, so as to provide that the Long Vacation should terminate on 9th October, and that Michaelmas Sittings should begin on 18th October. The report was adopted.

Council Meetings.

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

March 13th, and 27th.
April 17th.

Committee Meetings.

THE following Committee Meetings were held during February:—

Costs, 5th.
House, Library and Finance, 7th & 21st.
Court of Examiners, 9th.
Gazette, 12th.
Court and Offices, 22nd.
Privileges, 23rd.

New Members.

THE following joined the Society during February:—

Emerson, Henry R., 6 St. Andrew Street, Dublin.
Finnigan, John S., 13 Lombard Street, Belfast.
O'Connor, Peter, O'Connell Street, Waterford.
Slattery, Edmond B., 40 Westmoreland Street, Dublin.

Legal Appointments.

THE Lord Lieutenant has appointed Mr. John Rutherford Moorhead, of 30 Rosemary Street, Belfast, and 1 College Street, Dublin, to be Crown Solicitor for the County of Antrim and the City of Belfast, in room of the late Mr. Edward Bates.

Mr. William Fry, of the firm of Messrs. William Fry and Son, of 14 Lower Mount Street, Dublin, has been appointed to act professionally, for the Department of the Office of Woods and Forests in Dublin, and also to act as Solicitor in Ireland in foreshore matters for the Board of Trade.

Mr. Claude Wilson, Solicitor, of Dulargy, Ravensdale, County Louth, has been appointed Registrar to the County Court Judge of the Counties of Armagh and Louth, in room of the late Mr. Arthur F. Maffett.

Notaries Public.

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

- Eugene F. Collins, Solicitor, 19 Eustace Street, Dublin.
Nathaniel Taylor, Solicitor, 23 St. Stephen's Green, Dublin.

Commissioners to Administer Oaths.

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

- Edward A. Hughes, J.P., Merchant, Graigna-managh, Co. Kilkenny.
William X. White, Solicitor, Maryborough, Queen's Co.

Obituary.

MR. OMAR C. NELSON, Solicitor, Belfast, died upon the 3rd February, 1912, at Belfast.

Mr. Nelson, who served his apprenticeship with the late Mr. Edward Gardner, Downpatrick, was admitted in Easter Sittings, 1878, and practised at 57 Arthur Street, Belfast, in partnership with Mr. George L. MacLaine, under the style of G. L. MacLaine and Co., and the business will be carried on by Mr. George L. MacLaine, in partnership with Mr. W. H. Niáll Nelson, son of the late Mr. Omar C. Nelson.

MR. EDWARD BATES, Solicitor, died upon the 19th February, 1912, at his residence St. Columba, Knock.

Mr. Bates, who served his apprenticeship with his brother, the late Mr. Richard D. Bates, Belfast, was admitted in Trinity Sittings, 1881, and practised formerly in partnership with Mr. W. V. Davidson, under the style of Bates and Davidson, subsequently in partnership with Mr. T. S. Johns, under the style of Johns, Bates and Johns, and latterly in partnership with his nephew, Mr. Richard D. Bates (who carries on the business), at Mayfair, Arthur Square, Belfast, under the style of E. & R. D. Bates. Mr. Bates was appointed Crown Solicitor for the County of Antrim and the City of Belfast in 1892, and occupied that position up to the time of his death.

MR. ARTHUR F. MAFFETT, Solicitor, Dublin, died upon the 7th February, 1912, at Armagh.

Mr. Maffett, who served his apprenticeship with the late Mr. William Sullivan, 6 Stephen's Green, Dublin, and the late Mr. Edward D. Argles, 12 Gardiner's Place, Dublin, was admitted in Hilary Term, 1877, and practised formerly at 24 South Fréderick Street, Dublin, and latterly at 6 St. Andrew Street, Dublin. In the year 1894 Mr. Maffett was appointed Registrar to the County Court Judge of Counties Armagh and Louth, which position he occupied to the time of his death. The business of the late Mr. Maffett will be carried on by Mr. Henry R. Emerson, Solicitor, under the style of Arthur F. Maffett and Co.

Recent Decisions affecting Solicitors.

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

CHANCERY DIVISION (ENGLAND).

(Before Warrington, J.)

Re PAINE.

Jan. 23, 1912.—*Solicitor—Retainer—Conflict between Solicitor and Client.*

THIS case raised the question whether a Solicitor was entitled to charge as for professional business for business done in relation to matters arising out of what were alleged to be mere social conversations between himself and his client.

The Solicitor and client were neighbours, and on terms of social intimacy: The client employed the Solicitor as such in regard to certain specified matters; but the Solicitor and client used also to visit one another after dinner, and on these occasions they smoked and talked over various matters, including matters of business. The Solicitor had made professional charges in relation to a proposed purchase of land by the client, and with regard to some investments. As to the former, it appeared that in one of the after-dinner conversations the client told the Solicitor that he had some idea of buying a piece of land and building a house on it. The Solicitor thereupon went to the owner

of some land for sale, who was a client of his, and made certain proposals, and made arrangements to meet an architect. With regard to the investments, the Solicitor, on a similar occasion, told the client that certain bonds were a good investment, and suggested that the client should invest in them. The client went to his broker and bought some in the ordinary way; and for this a charge was made by the Solicitor. In another after-dinner conversation the Solicitor suggested a speculation in rubber shares, and some were bought, the client saying that he regarded it as a joint speculation of the Solicitor and himself, but the Solicitor made a charge as such in regard to the transaction.

The Taxing Master had allowed the items complained of, and this was a summons to review the taxation.

Mr. Justice Warrington, in the course of his judgment, said that on all questions as to the retainer of a Solicitor he was guided by the words of Vice-Chancellor Turner in *Crossley v. Crowther* (9, Hare, 384), who laid down that where there was a conflict as to the authority between the Solicitor and client, without further evidence, weight must be given to the affidavit against, rather than to the affidavit of the Solicitor.

As regarded the purchase of land, for all the client knew to the contrary, the work was being done by the Solicitor in a friendly way, knowing that he had a client with land for sale, and that the other client was minded to buy some land. This client positively denied that he gave any instructions to the Solicitor to do business as such in regard to the matter, and the Court could not draw any inference of retainer. As to the investments—advising about investments and making them for clients was not Solicitors' business; though where a Solicitor was retained to act generally for a client, he might properly give advice as to investments and charge for it. But here the Solicitor merely did certain specified pieces of business; and the positive denials of the client that he gave the Solicitor a retainer must be accepted, and the objections to the taxation allowed.

(Reported *The Times Law Reports*, Vol. xxviii., page 201.)

Labourers (Ireland) Act, 1906.

COSTS OF APPROVAL AND EXECUTION OF STATUTORY RECEIPTS.

THE Tralee Rural District Council having acquired compulsorily certain plots, for the purpose of the Labourers (Ireland) Acts, upon the estate of Lord Headley, the costs of Messrs. O'Keeffe and Lynch, Solicitors for the Owner, of proving title, came before Mr. McHugh, Taxing Officer, appointed under the Labourers (Ireland) Order, for taxation.

The owner's Solicitors claimed costs against the Rural District Council in respect of the approval and execution of thirty statutory receipts taken by the Rural District Council in respect of the thirty plots acquired, none of such receipts were for an amount exceeding £60, but the aggregate amount of compensation for the entire of the lands acquired did exceed £60.

The Taxing Officer having expressed a desire that the question of the allowance of the costs against the Rural District Council of the approval and execution of such receipts should be argued before him by Counsel, Mr. Macrory (instructed by Messrs. O'Keeffe & Lynch) was heard in support of the claim of the owner's Solicitors upon the 28th February.

A separate receipt in respect of each plot having been required by the Rural District Council, it was admitted that the case was not within Section 11, Sub-Sec. (4) of the Labourers (Ireland) Act, 1906, but the Taxing Officer was not satisfied that the receipt was a conveyance within the meaning of Section 82 of the Lands Clauses Consolidation Act, 1845.

The owner's Solicitors have received the following letter from the Taxing Officer:—

Offices—50 Lr. Sackville Street,
Dublin, 2nd March, 1912.

Tralee R.D.C. and Lord Headley's Costs.

DEAR SIRS,

I have carefully considered the arguments which were addressed to me by Counsel for Lord Headley at the taxation of the above costs on the 28th ulto., in support of the view that the owner was entitled to have allowed to him on taxation the costs necessarily and properly incurred by him in connection with the approval and execution of some thirty

statutory receipts, the aggregate compensation having exceeded £60, and the case, therefore, was one to which Section 11 of the Labourers (Ireland) Act, 1906, did not apply. The Rural District Council was not represented at the taxation, although special notice was given to them thereof, and of the point raised; but I have considered all suggestions which have been from time to time made at taxations of costs here in support of the contrary view, namely, the view that no costs should be allowed under any circumstances in connection with a statutory receipt the duty to give which was created by Section 17 of the Railways Act (Ireland), 1851, and Article 19 of the Second Schedule of the Housing of the Working Classes Act, both which sections together with Section 82 of the Land Clauses Act, 1845, form part of the Labourers' Code. I have arrived at the conclusion that the owner is entitled to his costs necessarily and properly incurred in connection with the thirty receipts which he was required to execute. The statutory indemnity against costs of conveyances and assurances granted by Section 82 of the Land Clauses Act, 1845, extends to costs of all instruments required by the Rural District Council to effect the transfer to them of the whole fee-simple in the land taken, and I do not think it matters whether these instruments are technically speaking, deeds of conveyance. I do not see any adequate ground for thinking that the statutory indemnity does not extend to costs (if any) incurred in connection with the special mode of assurance instituted by the incorporated statutes, namely, the mode of assurance by statutory receipt, except, of course, in the case of a receipt under Section 11 of the Act of 1906, where there is an express limitation of this indemnity. It may be possible to argue other views as to the construction of the code, but the one I have adopted is the one which appears to me to be the most eligible, and it has the merit of being consistent with what is manifestly intended by the code, namely, indemnity against necessary and proper costs. In the majority of cases, of course, the costs which a Vendor would properly incur in connection with a statutory receipt would be trifling, but in some exceptional cases, such as the present, where there is a large number of

receipts, embellished with maps and so forth, the duty which the Solicitor for the Vendor has to discharge involves a considerable amount of diligence and skill and entails a considerable loss of time. The taxation will be completed in accordance with the principles above expressed.

Yours faithfully,

(Signed), EDWARD MCHUGH.

Messrs. O'Keefe & Lynch, Solicitors,
30 Molesworth Street,
Dublin.

Irish Land Acts, 1903 and 1909.

SALE OF IMMATURE STOCK.

THE Treasury have sent the following letter to the President of the Society:—

Treasury Chambers,
13th February, 1912.

SIR,

I am directed by the Lords Commissioners of His Majesty's Treasury to acquaint you that My Lords have now made Rules and Regulations under Section 41 and other Sections of the Irish Land Act, 1903, and Section 14 and other Sections of the Irish Land Act, 1909, under date of 24th January, 1912.

In enclosing copies herewith, I am to draw the attention of the Council of the Incorporated Law Society of Ireland to Rule 9 (9) relating to Stock bearing a fractional dividend (Immature Stock), which formed the subject of a memorandum by the Council in May last.

I am, Sir,

Your obedient Servant,

(Signed), ROBERT CHALMERS.

The President,

Incorporated Law Society of Ireland,
Four Courts, Dublin.

Rule 9 (9), referred to in this letter, provides:

"Where stock bearing a fractional dividend is to be sold by Order of the Land Commission, the stock may be forthwith consolidated with the similar stock in existence on payment to the Irish Land Purchase fund, through the medium of the Land Commission, of a full half-year's dividend on such stock."

It will be remembered that the Council, in their last Report, called attention to the loss suffered by Vendors in the Land Commission Court on the allocation of the purchase money of their estates, owing to the enforced realisation of Immature Stock, and the Report stated that the Council had made representations to the Treasury suggesting a regulation under which Immature Stock might be immediately converted into Mature Stock when sold by Order of the Land Commission.

In the above Rule Immature Stock is described as "stock bearing a fractional dividend," and the effect of the Rule is to carry out the suggestion of the Society.

Under the practice which obtained before the new Rule was made, it is estimated that the loss to the Vendor of an estate averaged about 1 per cent. on the amount of Immature Stock sold. The new regulation, therefore, is of great advantage to such Vendors as agree to take the purchase moneys of their estates in all stock, or in part stock and part cash under the Act of 1903, and to all Vendors who sell under the Act of 1909.

New Solicitors.

ADMISSIONS DURING FEBRUARY, 1912.

Name	Served Apprenticeship to
Anderson, William	James Wood, Belfast
Boyle, J. Moore	Hunter Moore, Newry
Corrigan, William C. M.	Michael A. Corrigan, Dublin
Kennedy, George C. L.	S. B. E. Ward, Dublin
McAreevy, John Aloysius	Alexander Gartlan, Newry
O Connor, Peter	Daniel Dunford, Waterford
O'Farrell, Charles, M. A.	James Murphy, Dublin
Raymond, James F.	Henry J. Marshall, Lis-towel
Reid, Samuel, jun.	John R. Moorhead, Belfast
Slattery, Edmond Benedict	Joseph Dudley, Dublin.
Watters, Arthur Francis Borthwick	Lewis J. Watters, Killenny

Easter Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity and Conveyancing by Professor Quirke, on the following dates in Easter Sittings, 1912:—

April 16, 19, 23, 26, 30.

May 3, 7, 10, 14, 17.

Lectures will be delivered to the Junior Class upon Common Law by Professor Sharpe, on the following dates in Easter Sittings, 1912:—

April 15, 18, 22, 25, 29.

May 2, 6, 9, 13, 16.

Dates of Examinations.

THE following are the dates of the May, 1912, Examinations:—

Preliminary, 13th and 14th May (Notices to be lodged before 13th April).

Final, 20th, 21st and 22nd May (Notices to be lodged before 20th April).

Calendar of the Incorporated Law Society 1912.

THE Calendar and Law Directory, published by the Society, for 1912, can be obtained in the Secretary's Office, price Three Shillings, or by post Three Shillings and Fourpence.

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THE GAZETTE

OF THE

Incorporated Law Society of Ireland.

Vol. V, No. 10.]

April, 1912.

[FOR CIRCULATION
AMONGST MEMBERS.

Meetings of the Council.

March 13th.

Quarter Sessions Lists.

Further letters in reply to the circular letter of 12th February, sent by the Council to County and Borough Councils, were read from the Town Clerk of Dublin and from the Secretaries of the County Councils of Limerick and Roscommon, stating that their respective Councils had decided to continue to pay for the printing and advertising in connection with the County Courts as heretofore.

County Courts.

A letter was read from Mr. Brady, M.P., enclosing a copy of a letter received by him from the Chief Secretary for Ireland, stating that the course decided upon in reference to the County Courts (Ireland) Bill had been to refer the Bill to the County Court Judges of Ireland, and to request their views thereon. This letter appears in this GAZETTE. It was decided to ask Mr. Brady to request the Chief Secretary to afford the Council an opportunity of seeing the suggestions of the County Court Judges before introducing legislation on the subject.

Certificates.

Applications under Section 47 by three Solicitors for liberty to renew their annual certificates were considered, and orders were made granting the three applications.

March 27th.

Appeals under Irish Land Acts.

A letter was read from the Honorary Secretary of the Bar Council asking the opinion of the Council upon the question whether it would be advisable to apply to the House of Lords for a rule under the Appellate Jurisdiction Act, 1876, providing for an appeal to the House of Lords upon points of law which came before the Judicial Commissioner, and if so, would the Council assist in the making of the application. A reply was directed to be sent expressing approval of the proposed course, and the readiness of the Council to assist in the matter.

County Courts.

Mr. Brady, M.P., forwarded a further letter he had received from the Chief Secretary on this subject, which appears in this GAZETTE.

A letter was read from the Secretary of the Londonderry Chamber of Commerce enclosing a resolution of the Council of that body, expressing the opinion that while approving of the clauses contained in the County Courts (Ireland) Bill, 1911, the Bill should include provisions for reforming the Sheriff's office in order to be of any service to the commercial community. A reply was directed to be sent enclosing a copy of the Under Sheriffs (Ireland) Bill, 1905, stating that the Council being of opinion that the law with respect to the Sheriff's office should be dealt with in a separate Bill, had not fully dealt with it in the County Courts (Ireland) Bill, but that

the Council had, in 1905, at the request of the Under Sheriffs' Association, met a deputation from that body, in order to discuss amendments which the Council desired to have inserted in the Bill which was then being promoted by that Association, with the result that the amendments were inserted in the Bill. That the Bill was subsequently introduced in the House of Commons, but had not been proceeded with, and that the Council are still desirous of seeing it passed into law.

Certificate Duty.

It was resolved to again write to the Chancellor of the Exchequer requesting that the annual certificate duty payable by Solicitors in Ireland should be abolished or substantially reduced.

Certificates.

Applications under Section 47 by two Solicitors for liberty to renew their annual certificates were considered, and orders were made granting both applications.

Council Meetings.

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

April 17th.
May 1st and 15th.

Committee Meetings.

THE following Committee Meetings were held during March :—

Land Act, 5th.
Costs, 6th.
House, Library and Finance, 8th.
Court of Examiners, 11th.
Gazette, 15th.
Parliamentary, 19th and 26th.

New Member.

THE following joined the Society during March :—

Fayle, Gerald S., 18 Eustace Street, Dublin.

Commissioners to Administer Oaths.

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

Samuel Boyd, Clerk of Petty Sessions, Cahirciveen, Co. Kerry.
John Moran, Auctioneer and Land Valuer, Drumshambo, Co. Leitrim.

Obituary.

MR. JOHN GUMLEY REYNOLDS, Solicitor, died upon the 3rd March, 1912, at his residence, Beechmount, Ballymote, County Sligo.

Mr. Reynolds was admitted in Michaelmas Term, 1847, and practised at Ballymote up to the year 1889, when he retired.

MR. EUGENE P. MCHUGH, Solicitor, Sligo, died upon the 7th March, 1912, at his residence, Wine Street, Sligo.

Mr. McHugh, who served his apprenticeship with Mr. John Tarrant, Sligo, was admitted in Michaelmas Sittings, 1908, and practised in Sligo. In the year 1909 Mr. McHugh was elected Secretary to the Sligo County Council, which office he filled up to the time of his death.

MR. DANIEL C. BEGGS, Solicitor, died upon the 7th March, 1912, at his residence, Ollar Lodge, Ballyclare, County Antrim.

Mr. Beggs, who served his apprenticeship with his brother, Mr. Thomas Beggs, Ballyclare, was admitted in Trinity Sittings, 1885, and practised at Ballyclare in partnership with Mr. Thomas Beggs (who carries on the business), under the style of T. and D. C. Beggs.

MR. ISAAC B. MOLLOY, M.A., T.C.D., Solicitor, of Fercall, Saint Kevin's Park, Rathmines, died upon the 10th March, 1912.

Mr. Molloy, who served his apprenticeship with the late Mr. Arthur Molloy, 18 Eustace Street, Dublin, was admitted in Trinity Term, 1871, and practised at 18 Eustace Street, Dublin, under the style of Molloy and Molloy. The business will be carried on by Mr. Gerald S. Fayle, M.A., T.C.D., and Mr. Edward Felton, under the style of Molloy, Fayle and Co., at 18 Eustace Street, Dublin.

MR. THOMAS FITZGERALD, Solicitor, died

upon the 15th March, 1912, at his residence 22 Fitzwilliam Place, Dublin.

Mr. FitzGerald, who served his apprenticeship with his brother, the late Mr. David FitzGerald, 20 St. Andrew Street, Dublin, was admitted in Trinity Term, 1843, and was senior partner in the firm of Messrs. D. & T. FitzGerald, of 20 St. Andrew Street, Dublin.

Mr. FitzGerald was appointed Crown-Solicitor for the Counties Donegal and Londonderry in 1846, and filled the position up to the year 1910, when he retired.

MR. ROBERT W. PEEBLES, Solicitor, died upon the 25th March, 1912, at his residence 9 North Frederick Street, Dublin.

Mr. Peebles, who served his apprenticeship with his father, the late Mr. William Peebles, 9 North Frederick Street, Dublin, was admitted in Easter Term, 1862, and practised at 9 North Frederick Street, Dublin, latterly in partnership with Mr. George M. Knox (who carries on the business), under the style of Peebles and Knox.

Mr. Peebles was a member of the Council of the Incorporated Law Society from the year 1895 to 1901, and filled the office of Vice-President of the Society in 1901.

Recent Decisions affecting Solicitors.

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

LABOURERS (IRELAND) ORDER, 1910.

EQUITY SESSIONS.

Before HIS HONOUR JUDGE ORR, K.C.

In the Matter of a Petition by THOMAS LYLE ARMOUR to draw money out of Court lodged under the Trustee Act, 1898, the Labourers (Ireland) Act, 1906, and an Affidavit of T. B. HAMILTON.

Ballymena, Jan. 31, 1912.—*Costs—Abstract of title—Labourers Acts—Local Government Board Order, 1910.*

The facts appear sufficiently from the arguments and judgment.

Mr. R. R. McCutcheon (instructed by Mr. Taggart), upon behalf of the petitioner, stated, that the money lodged in Court represented the purchase money and com-

pensation payable to Thomas Lyle Armour in respect of 1a. Or. 20p. of land taken from him compulsorily for a site for two cottages in the townland of Knocknahinch, in the County of Antrim. Mr. Armour was requested by the Ballymoney Rural District Council to furnish title to the said plot, and his solicitor furnished a short statement to the Solicitors for the said Council. They considered this insufficient, and wrote Mr. Armour's Solicitor to furnish a twenty-years' title. He replied that he was not prepared to do so for the fee of 10s. 6d. under the Labourers (Ireland) Order, 1910, and, unless the Council agreed to pay reasonable remuneration for the work to be done, he could not act further in the matter. After communicating with the Local Government Board the Council refused to pay any further fee. Mr. Armour then attempted to get other Solicitors in the town of Ballymoney to furnish title on his behalf for the fee of 10s. 6d. allowed by the Local Government Board, but they all refused to do so, and told him that no Solicitor in the town would do the work at this fee. The compensation was then lodged in Court. Counsel read the petition, and produced several documents showing his client's title, and applied for the payment of the sum lodged in Court, with the costs of the application.

Mr. T. M. Greer (Solicitor) appeared for the Ballymoney Rural District Council, and said that he had no objection to the money being paid to the petitioner having regard to the full statement of title contained in the petition, but contended that the petitioner should be deprived of costs on account of his unreasonable conduct in not furnishing full title when requested to do so by the Council. He stated that the fee of 10s. 6d. certainly seemed inadequate, but was the amount of costs allowed by the Local Government Board under the Order referred to by Mr. McCutcheon, which the Board had power to make under S. 31 of the Labourers Act, 1906, and had therefore all the force and effect of an Act of Parliament. As soon as the award fixing the amount of the purchase money and compensation was completed, the Council, under clause 10 of the Schedule to the Housing of the Working Classes Act, 1890, required all persons claiming to have any right to or interest in the lands to deliver

a short abstract of title, and Mr. Armour had, through his Solicitor, delivered a statement commencing from the year 1908, which the Solicitors for the Council considered was insufficient to enable them to advise whether the purchase money and compensation could safely be paid to Mr. Armour, or whether he could give a statutory receipt by way of conveyance of his interest in the land; and therefore they considered it to be their duty to lodge the money in Court pursuant to S. 11 (8) of the Labourers (Ireland) Act, 1906. He contended that no matter what fee should be allowed for preparing the abstract it was the duty of Mr. Armour to furnish a sufficient abstract, and, as he had neglected to do this, his conduct was unreasonable, and he should not be allowed any costs in connection with the petition. Mr. Greer stated that he considered it his duty to inform the Court that the Local Government Board apparently held the view that S. 11 (1) of the Labourers Act, 1906, enabled the Council to accept a six years' title, but on referring to this subsection his Honour would see that it was limited to the title of persons having power to sell under the Land Purchase Acts, which did not include tenants from year to year, and therefore the Council was not relieved from the duty of seeing that a proper title was shown for at least twenty years. The Local Government Board also contended that by the operation of S. 21 (1) of the Labourers Act, 1906, taken in connection with S. 29 (3) of the Local Registration of Title (Ireland) Act, 1891, and S. 47 of that Act, it was only necessary for the Council to have the document vesting the estate of the owner in fee in the plot registered in the Local Registration of Title Office, whereupon the certificate of registration would be given free from all rights and equities, including the tenancy from year to year, so that it was unnecessary to inquire into the title of the tenant, but Mr. Greer contended that as the tenant's title was required either to the land itself or to the purchase money and compensation mentioned in the award, it was the duty of the Council to see that proper title was produced, and as this had not been done by Mr. Armour the prayer of the petition should be granted, but without costs.

His Honour Judge Orr, K.C., said Mr. Greer had argued very well and very clearly.

He had only two things to consider—first, whether Mr. Armour made out his title; and secondly, whether he should make the Rural Council pay the costs. As regarded the money, he thought title was sufficient. On a former occasion he took a great deal of trouble, and found that in the High Court searches were never directed where the sum lodged was under £100; but the money was always paid to the party in possession provided all parties who appeared entitled as mortgagees or otherwise consented. There was a good *prima facie* title here made. The sole mortgagee consented, and so far as the money in Court was concerned he would direct that it should be paid out to Mr. Armour. Then came the question of costs. He certainly sympathised with the Local Government Board to a considerable extent, because they wanted to make this procedure as cheap as possible in these small cases where the quantity of land taken was always small and the purchase money and compensation as a rule trifling. But there is reason in everything, and was it fair and reasonable to make an order only allowing a fee of 10s. 6d. for making out title in every case? In the present case Mr. Armour was required to send in his title, and he sent in a title beginning on the 20th February, 1908, and said on that date he purchased the farm from William Campbell for the sum of £950. That was sent to Mr. Greer, and he most properly refused to accept it. As Solicitor for the Council he was bound to look after their interests, and he had to keep himself right as well. Mr. Greer would have been a perfect fool if he had accepted this title, and if he (the County Court Judge) had been in his place he would have asked for forty years' title instead of twenty. What was the unfortunate Mr. Armour to do then? He goes round all the Solicitors in Ballymoney and says there is 10s. 6d. to make out a title, and not one of them would take it. He considered the Solicitors perfectly right in refusing this fee; and he was proud to think they had done so, as it was a monstrous thing to ask a man who had gone through a long expensive course of education and was under a heavy professional responsibility to take 10s. 6d. for making out title extending over twenty years under the English Real Property Law—a fee at which a skilled artisan would turn up his nose. He

thought the rule was most unjust. The Local Government Board said that not more than a fee of 10s. 6d. should be paid under any circumstances, but they forgot that although they might limit the fee they could not compel a Solicitor to undertake the work for the money. He thought the Ballymoney Solicitors were perfectly right to bind themselves together and refuse any fee of the sort. It was only about one-sixth, and hardly that, of the scale fee that would be allowed under the Solicitors Remuneration Act. What position was the unfortunate Mr. Armour in? There was not a Solicitor who would touch him, and he could not do the work himself. He would know as much about making out an abstract of title as he would about making an aeroplane. Mr. Greer most properly refused the title, and the money was paid into Court. The only case in which costs had ever been refused was where the vendor carelessly, negligently, or unreasonably had refused to make out title, but that was not the case here, as Mr. Armour did not do anything like that. He could not get a Solicitor to do the work for him, and he could not do it himself. His opinion was that there was nothing unreasonable in Mr. Armour's conduct, and he would order the Rural Council to pay the costs, including Counsel, which were not to exceed £10, and were to be taxed by the Registrar.

(Reported *I.L.T.*, Vol. xlvi., page 62.)

LONDONDERRY SPRING ASSIZES.

(Before DODD, J.)

PROCTOR v. LIMAVADY RURAL DISTRICT COUNCIL.

March 21, 1912.—*Labourers Acts Costs—Furnishing title on behalf of judicial tenant who had signed an agreement to purchase under Land Purchase Acts—Labourers (Ireland) Order, 1910.*

This was an appeal by the defendants against a decree granted by His Honour Judge Overend, County Court Judge of Londonderry, for the sum of £2. 10s. 1d., amount of a bill of costs of Mr. J. E. Proctor, Solicitor, for furnishing title in January, 1911, to a plot of land taken by the Limavady Rural District Council under the Labourers Acts, from Mrs. Martha Crilly, who was a

judicial tenant of the land, and had entered into an agreement to purchase her holding under the Land Purchase Act of 1903.

The facts of the case are fully reported in the report of the case before the County Court, contained in the *GAZETTE* of February, 1912, page 102.

Mr. Henry, K.C., and Mr. R. E. Osborne (instructed by Mr. J. C. B. Proctor, LL.D.) appeared for the plaintiff (Respondent); and Mr. Wylie (instructed by Mr. Horner) appeared for the defendants (Appellants).

Mr. Henry stated that Mr. Proctor had acted for Mrs. Crilly, on whose land a site had been taken by the Rural District Council for the erection of a labourer's cottage. Mr. Proctor furnished title, and sent in his bill, amounting to £2 10s. 1d., but received a letter from the Clerk of the Council to the effect that, as Mrs. Crilly was a judicial tenant, the fee payable for deducing title under the Labourers Order of the Local Government Board of 1910 was only 10s. 6d. He submitted that that portion of the Local Government Board Order, 1910, which limited the term "Owner" or "Lessee" was *ultra vires*. Further, that in this case title to a greater interest than that of an occupier was called for by the local authority, and therefore, under the Housing of the Working Classes Act, 1890, Sec. 22, which was incorporated by the Labourers Act, 1906, Sec. 3, he was entitled to recover the amount sued for.

Mr. Wylie submitted three arguments for the defence: First, that Mr. Proctor could not succeed in an action brought on his own behalf. A Solicitor could sue his own client in respect of fees, but he was not entitled to sue a third party for work done on behalf of his client. Secondly, that there must be a certificate of taxation before plaintiff would be entitled to sue. Thirdly, that the Local Government Board Order, 1910, is valid and binding, and the work sued for was done subsequent to the date of the Order.

Mr. Henry said, as regards the point that Mr. Proctor could not sue, the Council had in their letters recognised Mr. Proctor as the person entitled to put forward the claim. This point was not raised in the County Court, where, if it had been, His Honour would have added the name of Mrs. Crilly as a co-plaintiff. A certificate of taxation was not necessary. Mr. Proctor had, under

the rules, the option of either drawing and taxing his costs, or taking a scheduled fee without taxation, which in this case was two guineas.

Mr. Justice Dodd said there would be no difficulty in the case if the plaintiff had been suing for only two guineas.

Mr. Henry said the remainder of the claim, eight shillings and one penny, was for personal outlay, and it was the practice in such cases to add it to the schedule fee.

Mr. Wylie said his Lordship could only give a decree for two guineas by agreement, and he could not consent.

Mr. Justice Dodd said, as the parties could not agree, he must affirm the decision of the County Court Judge.

Mr. Wylie said he must ask for a case stated. He was authorised by the Local Government Board to make the application.

Mr. Justice Dodd said he would not give a case stated.

County Courts.

UPON the 20th February Mr. Brady, M.P., Mr. Lardner, M.P., and Mr. O'Shee, M.P., had an interview with the Right Hon. the Chief Secretary for Ireland, in order to request him to give effect to the resolution adopted at the Special General Meeting of the Society held in January, asking the Government to appoint a Commission to hold an inquiry for the purpose of reporting with respect to what amendments in the existing law and procedure are desirable for the better working of the County Courts in Ireland. The Chief Secretary promised that he would give the matter his immediate consideration. The following letter was subsequently received by Mr. Brady, M.P., from the Chief Secretary :—

Irish Office,
Old Queen Street, S.W.,
2nd March, 1912.

DEAR SIR,

Mr. Birrell desires me to say that he has consulted his advisers in Dublin with regard to your suggestion that a Commission should be appointed to enquire into the Irish County Courts Acts. He finds that the defects in the existing procedure have been long recognised by the mercantile community, the practitioners in the

County Courts, and the County Court Judges. They are mainly defects in machinery, and have been dealt with very fully in the two Bills which you introduced in 1910 and 1911, based apparently to some extent on the Bills introduced by Lord Ashbourne in 1901 and 1902, but incorporating many additional clauses suggested by the Incorporated Law Society and by Barristers and Solicitors who are familiar with County Court practice.

The late Lord Chancellor invited the County Court Judges to state their views as to the Bill of 1911, and these Judges suggested certain amendments therein; but in doing so observed that they did not wish it to be supposed that the Bill at all represented the views held by them as to the amendments required in the County Court system. They confined themselves entirely to the Bill in its existing shape as suggested by the Lord Chancellor; but stated that there were many changes and additions, in their opinion, of great value and importance proper to be made in the County Court Code, which they would be prepared to suggest if they were asked to do so.

Mr. Birrell now proposes to suggest to the Lord Chancellor that the County Court Judges should be requested to report what changes and additions ought to be made in the present County Court Code, and how far they approve of the amendments proposed by the Bill introduced in the Session of 1911. The Government will then have the views of all the parties concerned, and of those most competent to form opinions on the matter, and be in a position to decide whether it will be possible to introduce a Government measure on the subject.

Yours faithfully,

(Signed), T. P. LEFANU.

P. J. Brady, Esq., M.P.

Mr. Brady, at the request of the Council, wrote in reply to the Chief Secretary, requesting that the Council should be afforded an opportunity of seeing the suggestions of the County Court Judges before the introduction of legislation on the subject, and has received the following reply :—

Irish Office,
Old Queen Street, S.W.,
22nd March, 1912.

DEAR SIR,

Mr. Birrell desires me to say that he has noted your request, which seems to him to be a very reasonable one, that the Incorporated Law Society should be given an opportunity of seeing the suggestions of the County Court Judges on the question of County Court procedure before the introduction of legislation on the subject.

Yours faithfully,

(Signed), T. P. LEFANU.

P. J. Brady, Esq., M.P.

Transfer of Government Stock by Deed.

SECTION 17 of the Finance Act, 1911, provides as follows:—

“(1) Notwithstanding anything in section twenty-two of the National Debt Act, 1870, any stock belonging to a stock-holder shall, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferable by deed instead of in the manner provided by that section.

“The Banks of England and Ireland respectively, with the concurrence of the Treasury, shall provide by regulations for a separate stock register being kept for stock which is for the time being transferable by deed, for the conditions upon which stock is to be entered in or removed from that register, for the mode in which the transfer by deed is to be carried out, and for the payment of any fees in respect of the entry or removal of stock from the register and the carrying out of any transfer of stock by deed. The provisions of the National Debt Act, 1870, and any Act amending the same, shall apply to stock transferable in the books of the Banks of England or Ireland, except so far as express provision is made to the contrary by this section or by the regulations made thereunder.

“(2) No stamp duty shall be payable in respect of any deed of transfer of the stock.

“(3) In this section the expression ‘stock’ means any stock which is for the time being

“transferable in the books of the Banks of England and Ireland under the National Debt Act, 1870.”

Regulations, dated the 15th February, 1912, have been made by the Bank of Ireland, with the concurrence of the Treasury, under the above-recited section.

The regulations apply to Consols, £2 10s. per cent. annuities, £2 15s. annuities, Local Loans Stocks, and Guaranteed £2 15s. and £3 per cent. stocks (Irish Land Stocks).

A holder of any of the above-mentioned stocks who desires that the stock standing in his name should be registered as stock transferable by deed must lodge in the Bank of Ireland a demand, the form of which is contained in the schedule to the regulations, and a fee of half-a-crown. The certificate of the registration of the stock will be subsequently either delivered by hand or sent by post.

A holder who desires stock removed from the transfer by deed register to books must lodge in the Bank of Ireland a demand, the form of which is contained in the schedule to the regulations, and a fee of one shilling. The certificate of inscription and the register certificate for the balance (if any) will be either delivered by hand or sent by post.

Stock may be registered in one or more names.

The regulations contain a form of deed of transfer to be used in transferring stock which has been registered as stock transferable by deed.

The regulations can be obtained from Messrs. Ponsonby, Ltd., 116 Grafton Street, Dublin, and cost one penny.

The Public Trustee, Ireland.

UNDER Section 38 (1) (a) of the Irish Land Act, 1909, the Public Trustee publishes the following list of additional securities in which investments have been approved by the Public Trustee, Ireland, since the list published on 29th December, 1911, and which appeared in the GAZETTE of January, 1912, page 80:—

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

Chinese Imperial Railway, Five per cent. Gold Loan.

Chinese Imperial Government, Five per cent. Shanghai, Hangshow, Ningpo Railway Loan.

Chinese Imperial Railways, Canton, Kowloon Railway Five per cent. Sterling Bonds.

Russian Government Grand Russian Railway Four per cent. Bonds (Nicholas Railway).

Central Pacific Railway Company, 1st Refunding Mortgage Four per cent. Gold Bonds, 1949.

Chicago, Rock Island and Pacific Railway Company Four per cent. 1st and Refunding Mortgage Gold Bonds, 1934.

New York, New Haven and Hartford Railroad Company Four per cent. 1956 Debentures.

Result of Intermediate Examination.

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

CLASS I.

1. Patrick Hannan.
2. William J. Norman.
3. Stephen deV. Fogarty.

The remaining candidates were postponed. Seven candidates attended: three passed; four were postponed.

New Solicitor.

ADMISSION DURING MARCH, 1912.

Name	Served Apprenticeship to
Brennan, George Ernest	John R. Brennan, Wexford.

Easter Sittings Lectures.

LECTURES will be delivered to the Senior Class upon the subjects of Real Property, Equity and Conveyancing by Professor Quirke, on the following dates in Easter Sittings, 1912:—

April 16, 19, 23, 26, 30.

May 3; 7, 10, 14, 17.

Lectures will be delivered to the Junior Class upon Common Law by Professor

Sharpe, on the following dates in Easter Sittings, 1912:—

April 15, 18, 22, 25, 29.

May 2, 6, 9, 13, 16.

Dates of Examinations.

THE following are the dates of the May, 1912, Examinations:—

Preliminary, 13th and 14th May (Notices to be lodged before 13th April).

Final, 20th, 21st and 22nd May (Notices to be lodged before 20th April).

Calendar of the Incorporated Law Society 1912.

THE Calendar and Law Directory, published by the Society, for 1912, can be obtained in the Secretary's Office, price Three Shillings, or by post Three Shillings and Fourpence.

Solicitors' Apprentices' Debating Society.

SESSION 1911-12.

MEETINGS during Easter Sittings at Eight o'clock, p.m., in the Antient Concert Rooms, Great Brunswick Street.

April 15th.—Legal Debate—"That the case of *Richard Evans and Co. v. Astley* (1911) A. C. 674, was wrongly decided."

April 22nd.—Debate—"That Co-operation is a policy suited to Ireland's needs."

April 29th.—Impromptu Speeches.

May 6th.—Debate—"That Home Rule is the true solution of the Irish question."

May 13th.—Debate—"That the utility of Public Libraries is questionable."

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 Ltd., 28 Dame Street, Dublin.



