



**PL3/BR1/193**

T. KIRWAN,  
SOLICITOR,  
5 St. Andrew's HOURLIN,  
AND BALLINROBE,  
A Commissioner for Oaths

PL3/SR1/193(1)  
Ballinrobe  
28<sup>th</sup> June 1900

Dr McGuire v The Guardians

Dear Sir

I am in receipt of yours  
of the 20<sup>th</sup> inst enclosing Copy  
Order made at a meeting of the  
Board of Guardians of the  
Ballinrobe Union on Monday the  
25<sup>th</sup> inst viz "to subpoena 3  
members of the Board to attend  
the Castlebar Assizes on the hearing  
of the Appeal herein" and beg  
to inform you the same shall  
be attended to

Yours Faithfully  
J. F. Kirwan  
WFM  
J. Walsh Esq  
Clerk of Brobennion

No. 11

Summer Assizes, 1899

General Form without Award of Execution.

By the Judges of Assize for the County of Mayo

Appeal List No. 47

(a) "Order," "Decree," or "Dismiss," as case may be.

Edward McGuire  
of Ballinrobe

(c) State cause of action in words of Decree appealed from.

in the County of Mayo  
Medical Doctor Plaintiff;

v.

(d) State Order, as e.g., "The Plaintiff should recover against the Defendant £ s. d., with costs" or "the Plaintiff should recover the possession of the lands and premises herein described with costs," or "that the Plaintiff's Civil Bill should be dismissed (without prejudice or on the merits) with costs," as the case may be.

The Guardians of  
the Poor of the  
Ballinrobe Union

in the County of Mayo  
Defendants

WHEREAS by Decree of the Civil Bill Court of the said County, dated the 22<sup>nd</sup> day of May 1900—1899 made in this Civil Bill action, which was brought for recovery of £5.15.0

for work and labour done and performed by Plaintiff for Defendants and at their request as Medical Doctor to the Ballinrobe Work House and for money found to be due by Defendants to Plaintiff for professional fees for services rendered as such.

(e) State parties appearing.

IT WAS ORDERED AND DECREED that the Plaintiff should recover from the Defendants the sum of £12.12.0 with £1.1.0 for witnesses expenses and £1.3.0 costs

AND WHEREAS the Defendants having appealed from the said Decree to the Judges of Assize for the said County, at these present Assizes the said Appeal this day came on to be heard in the presence of the Counsel and Solicitors for Plaintiff and Defendants respectively

WHEREUPON

it appearing to the Court that the Defendants have sustained said appeal

IT IS ORDERED AND DECREED BY THE COURT that the said Decree be and the same is hereby reversed and that said action be and the same is hereby dismissed on the merits without costs.

Dated at Castlebar this 17<sup>th</sup> day July 1900  
W. H. Munton Judge.

Registrar  
Wesley B. Nash. Solicitor.

No. 11.

County of Mayo

No. 47

Solicitor, J. F. Kerinan

McQuire

v.

Guardians of Poor  
Ballinrobe Union

Decree  
of  
Judge  
on  
Appeal.

# IN THE HIGH COURT OF JUSTICE, IRELAND.

*Summer* Assizes, 1900

By the Lords Justices of Assize for the *County of Mayo* Circuit.

(a) Fill up with such of following words as are applicable to the case:—  
 "A Decree for possession of the lands and premises hereinafter mentioned, with £ Costs," or "a Decree for £ debt and £ s. d. Costs," or "a Decree for £ Damages and £ s. d. Costs," or "a Dismiss with £ Costs."  
 (b) State the cause of action in the words of the Decree or Dismiss appealed from.

No. *19*  
 County of *Mayo*  
*Michael Byrne*  
 of *Ballinrobe*  
 in the County of *Mayo*  
*Commission Agent*  
 Plaintiff;

*The Guardians of the Poor of the Ballinrobe Union being a Corporate body*  
 in the said County of *Mayo*  
 Defendants

WHEREAS the *Defendants* at a Civil Bill Court, held at *Clasmore*, in and for the County of *Mayo*, on the *22<sup>d</sup>* day of *May* 1900, obtained a *Dismiss* (a) without prejudice with *5/-* for witnesses expenses and *£-10/-* Costs against the *Plaintiff* in an action for (b) recovery of the sum of *£2:3:6* alleged to be due *1/6* thereof being balance of a greater sum of *£1* due by *Defendants* to *Plaintiff* for work and labour done and performed and the remaining sum of *£1:10:0* being due for extra work and labour done and performed by the *Plaintiff* for the *Defendants* at their instance desire and request and for journeys given and money expended by the *Plaintiff* for and to the use of the *Defendants* and for money found to be due from *Defendants* to the *Plaintiff* on accounts stated

AND WHEREAS

the *Plaintiff* appealed from the said *Dismiss* to this present Assize. And the said Appeal this day came on to be heard in the presence of Solicitors and Counsel for *the Defendants* the *Plaintiff* not appearing either in person or by Solicitor or Counsel  
 And it appearing to the Court, that the said appeal was withdrawn

It is ordered and decreed by the Court, that the said *Dismiss* be and the same is hereby affirmed with costs to date of withdrawal and that the said *Defendants* do recover from the said *Plaintiff*

(c) In ejectments insert here "the possession of the said lands and premises and"  
 (d) Insert here in words at length the full sum ordered by the Judge to be recovered. It must accurately correspond with the sum stated in the Total at foot.  
 (e) When Plaintiff succeeds in cases of contract insert "debt" of tort "Damages."  
 (f) Plaintiff's or Defendant's, as the case may be.  
 (g) In ejectments insert "And the Sheriff of the said County is hereby commanded to take possession of the said lands and premises, and deliver up the same to the Plaintiff."  
 (h) Insert where applicable "debt and" or "Damages and."

(c) the sum of (d) *One* pounds *Three* shillings and *nine* pence, being the amount or the said (e) *Defendants* and of the said (f) \_\_\_\_\_ Costs in the Court below, and Costs of said Appeal

And the several Sheriffs in Ireland are hereby commanded to take in Execution the Goods of the said *Plaintiff* *Michael Byrne* to satisfy the said (h) \_\_\_\_\_ Costs.

Dated at *Castlebar* this *17<sup>th</sup>* day of *July* 1900

Debt ...	£	—	—	—
Costs in Court below ...	£	—	10	3
Witnesses' Expenses do...	£	—	5	—
Costs of Appeal ...	£	—	8	6
Witnesses' Expenses do...	£	—	—	—
Total ...	£	1	3	9
Money lodged ...	£	—	—	—
Sum to be levied ...	£	1	3	9

*W. H. Drumm* Judge.  
*W. G. P. P. P.* Registrar.  
 {Solicitor for the

County of \_\_\_\_\_ } I authorize and empower  
 to wit. }  
 at the \_\_\_\_\_ peril, to execute the above }  
 Given under my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_ }  
 Sheriff of the said.

27 & 28 VIC., CAP. 99, SECTION 17.

Any Sheriff or Under Sheriff, or any Bailiff empowered to execute a Decree, or any Assistant of such Sheriff, Under Sheriff or Bailiff, or any Keeper, who shall demand or receive from any person, on or in respect of the Execution of such Decree, any Money or Gratuity other than the Poundage, Fees legally payable on the Execution thereof, as in this Act mentioned, and the Keeper's Fees in case of a Seizure of Goods thereunder, as specified in Part II. of Schedule (B) to this Act annexed, or who shall knowingly permit or suffer any one on his behalf to receive the same, shall be liable to pay a sum not exceeding Twenty Pounds to any person who may sue for the same by Civil Bill.

SCHEDULE (B).

PART II. (Part of).

Fees Payable to Sheriff.

	£	s.	d.	
For executing any Decree, Dismiss, Renewal, or Order (except Decrees or Renewals in Ejectment Cases or Writs or Orders of Restitution as to Lands)	...			One Shilling in the Pound (or for any Fractional Part of the First Pound) on the Amount stated in the Entry at foot of the Decree, Dismiss, Renewal, or Order, if the entire Amount shall be levied; or if the entire Amount shall not be levied, then on the Amount actually levied, and so in proportion for any fractional Part of a Pound after the First Pound, One Shilling to be paid in every Case of a Levy though the Amount produced may not be One Pound.
1. 1. cases for executing any Decree, Dismiss, Renewal, or Order by Arrest of the Party	0	10	0	To be paid to the Sheriff on the Delivery of the Decree by the person desiring to execute the same by Arrest of the party, and also 6d. per Statute Mile for the conveyance of the Party, if arrested, from the Place of his Arrest to the County Gaol, to be chargeable to and recovered from the person demanding such execution by Arrest.
For executing any Decree or Renewal in Ejectment, or Writ or Order of Restitution as to Lands not exceeding Five Pounds annual Valuation, and where the Personal Attendance of the Sheriff is not required	0	10	0	
And where the personal Attendance of the Sheriff shall be required, or where the Lands exceed Five Pounds annual Valuation	1	1	0	And where the personal Attendance of the Sheriff shall be required by the Party executing the Decree, 6d. additional shall be paid to the Sheriff for every Statute Mile he shall necessarily travel on going to such Lands, such Mileage not to be charged against the opposite Party.
To Keepers (not exceeding Two in Number) of Goods seized under any Decree or Dismiss, per Day each (not exceeding Five Days)	0	2	6	
For filing the Certificate and making the entry at Foot of the Decree as in Section 12 of this Act mentioned	0	0	6	To be paid by the Party presenting such Certificate.

PL3/BRI/193 (3)

No. 69

County of Mayo

*Pyne*

Plaintiff

*Guardians of  
Ballinrobes*

Defendant.

*J. F. Kirwan*

Solicitor.

P23/BR/193 (4)

T. F. KIRWAN,  
SOLICITOR,  
AND BARRISTER-AT-LAW,  
Commissioner for Ovens etc.

Bamirobe

20 August 1900

Mesrs v Guardians  
Byrne v Guardians

Dear Sir

I observe by papers  
that the guardians have  
paid your expenses herein  
& that the consideration  
of the expenses of Messrs Hamill  
Jennings & Willis is pending

I therefore enclose my  
bill & shall thank you  
to lay it before the Board today

Yours faithfully,  
T. F. Kirwan



Ordered: - Consideration adjourned  
to this day fortnight - ~~The gentlemen who were  
subpoened as witnesses to be communicated with  
by letters in the meantime to furnish to the  
Board their Bills of expenses~~

Mr Kiwan's attention to be drawn to the  
charges for criers fees.

J H

PL3/BR/193/5

Barnurke

3 Sept 1900

Mejane & Guardian  
Byrne & Guardian

Dear Sir

I am in receipt  
of yours with copy order  
made in reference to  
Orders - 5/-

These two items are well  
recognized disbursements  
which must be paid  
before any order made  
at all is handed to

The Party & Auditor who  
obtain the Order  
I saw them & had receipt  
surely it would not be  
fair to disallow them  
to me.

Yours faithfully  
W. H. Keir

The procler by  
Clerk of Council  
Barnurke