INTOXICATING LIQUOR.

Licences: Rates of Charges.

DETERMINATION BY THE MINISTRY OF FINANCE UNDER SECTION 3 OF THE INTOXICATING LIQUOR ACT (NORTHERN IRELAND), 1923, AS AMENDED BY THE INTOXICATING LIQUOR (FINANCE) ACT (NORTHERN IRELAND), 1925, OF THE RATES AT WHICH CHARGES ARE TO BE IMPOSED IN RESPECT OF LICENCES FOR THE SALE OF INTOXICATING LIQUOR BY RETAIL TO BE GRANTED OR RENEWED DURING THE YEAR ENDING 30TH SEPTEMBER, 1931.

1930. No. 104.

In pursuance of sub-sections (3) (*b*) and (4) of Section 3 of the Intoxicating Liquor Act (Northern Ireland), 1923, as amended by the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925, the Ministry of Finance hereby determines that the rates at which charges are to be levied in respect of all licences for the sale of intoxicating liquor by retail granted or renewed during the year ending 30th September, 1931, shall be eighty per cent. of the maximum rates of charge authorised by sub-section (1) of Section 1 of the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925.

Given under the Seal of the Ministry of Finance this 15th day of August, 1930.

G. C. Duggan,
Assistant Secretary.

LEGITIMACY.

County Court Rules.

LEGITIMACY ACT (NORTHERN IRELAND) 1928, COUNTY COURT RULES, 1930, DATED THE 28TH DAY OF NOVEMBER, 1930.

1930. No. 151.

WHEREAS by an Act, 40 and 41 Vic., C. 56, intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bill Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying

the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen, shall take effect from and after such day as shall be therein named :

And whereas by Section 83 of the said Act, it is provided that the Lord Chancellor, with the concurrence of the Chairmen or any five of them to be selected or nominated as in the said Act provided, and with the consent of the Treasury may by Order fix the fees to be taken in the Civil Bill Courts in respect of any business under that or any other Acts in force for the time being in such Courts, and may, with the like concurrence and consent, alter, reduce or increase the same from time to time, and may also, with the like concurrence and consent, alter the fees and Stamp Duties taken in those Courts and substitute other fees for the same :

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said Section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland, and the references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of Rules or Orders under Section seventy-nine or Section eighty-three of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them to be nominated by the said Lord Chief Justice :

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour Herbert Marshall Thompson, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour Arthur Henry Bates, County Court Judge and Chairman of the County of Down, as the chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And whereas by an Act, 18 and 19 Geo. 5, C. 5, intituled the "Legitimacy Act (Northern Ireland), 1928," it is provided that a person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may present a petition under the Legitimacy Declaration Act (Ireland), 1868, and that that Act, subject to such necessary modifications as may be

prescribed by rules of court, shall apply accordingly; and that a petition under the said Act may be presented by any such person as aforesaid to the County Court instead of to the High Court.

Now I, The Right Honourable William Moore, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges, as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts, and of all other powers thereunto Us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in proceedings in the County Courts under the Legitimacy Act (Northern Ireland), 1928, and with the consent of the Ministry of Finance do hereby fix the fees set out in Schedule II hereto as the fees to be taken in the Civil Bill Courts in Northern Ireland under the said Act.

Dated this 28th day of November, 1930.

William Moore,
Lord Chief Justice.

Herbert M. Thompson.

A. H. Bates.

The Scale of Fees in Schedule II. has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 28th day of November, 1930, in the presence of

(L.S.) *G. C. Duggan,*
Assistant Secretary, Minister of Finance.

THE LEGITIMACY ACT (NORTHERN IRELAND) 1928, COUNTY COURT RULES, 1930.

DATED THE 28TH DAY OF NOVEMBER, 1930.

1. These Rules may be cited as the Legitimacy (Northern Ireland) County Court Rules, 1930, and shall be read and construed with the County Court (Ireland) Orders, 1890, as amended.

2. In these Rules—

"the Act of 1928" means the Legitimacy Act (Northern Ireland), 1928.

"Petitioner" means a person applying for a legitimacy declaration and "petition" has a corresponding meaning.

3. A petition may be filed—

(*a*) in the office of the Clerk of the Crown and Peace of the County within which the petitioner resides; or

(*b*) in the office of the Clerk of the Crown and Peace of the County in which the marriage leading to the legitimation occurred; or

4. The equity rules and orders and the equity practice of the County Courts shall so far as practicable govern all proceedings under the Act of 1928 subject nevertheless to these Rules.

5. A petition shall be intituled "In the matter of the Legitimacy Declaration Act (Ireland), 1868" and "In the matter of the Legitimacy Act (Northern Ireland), 1928" and "In the matter of (*the person to be declared legitimated*)" and shall be according to the form in Schedule I. with such variations and additions as the circumstances may require, and shall state, amongst other matters:—

(*a*) the place and date of the marriage;

(*b*) the status and residence of each of the parents, and the occupation and domicile of the father of the person whose legitimacy the Court is asked to declare (1) at the date of his birth, and (2) at the date of the marriage;

(*c*) whether there is living other issue of the parents of such person as aforesaid and the respective names and dates of the birth of such issue;

(*d*) the persons (if any) affected by the legitimation of such person as aforesaid and the value so far as is known of the property (if any) thereby involved;

(*e*) whether any and if so what previous proceedings under the Act of 1928 or otherwise with reference to the paternity of such person as aforesaid or the validity of the marriage leading to his legitimation have been taken in any Court;

(*f*) that there is no collusion.

A petition shall also include an undertaking by the petitioner to pay the costs of the respondents if the Court shall so direct.

6. If the petitioner does not reside in Northern Ireland, the petition shall state an address in Northern Ireland at which the petitioner may be served with any summons, notice, order of Court, or other process.

7. Where it appears on the presentation of a petition that the petitioner does not reside in Northern Ireland, the petition shall not be filed until a sum of £5 as security for the respondents' costs has been lodged with the Clerk of the Crown and Peace, and such sum when lodged shall be subject to the direction of the Judge.

8. The respondents to a petition shall be the Attorney General and all persons whose interests may be affected by the legitimacy declaration asked for, and the Court may at any time direct any persons not made respondents to be made respondents and to be served with the petition and affidavit, and may adjourn the hearing of the petition for that purpose on such terms as to costs or otherwise as may be just.

9. The petition shall be accompanied by an affidavit made by the petitioner verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of the other facts alleged in the petition, and the affidavit shall be filed with the petition.

10. There shall be lodged with the petition every birth, death or marriage certificate intended to be relied upon at the hearing.

11.—(1) A copy of the petition and a copy of the affidavit shall be delivered or sent by registered post by the petitioner to the Attorney General at least one calendar month before the petition is presented or filed.

(2) Any document or notice addressed to the Attorney General shall be addressed to him at the office of the Chief Crown Solicitor, Belfast.

12. Every such petition shall be listed for hearing at any Equity Sessions of the Court and shall be delivered to the Clerk of the Crown and Peace one calendar month before the sitting of such Court, and shall be filed by him in his office.

13.—(1) A copy of the petition and affidavit shall, unless the Court otherwise directs, be served by a Civil Bill officer of the Court twenty-eight days at least before such Sessions on every respondent (other than the Attorney General), and the petition and every copy to be served on a respondent (other than the Attorney General) shall be endorsed with a notice according to the form in the Appendix.

(2) At least twenty-eight days before the first day of such Sessions notice of the day of such hearing shall be delivered or sent by registered post by the petitioner to the Attorney General.

14.—(1) A respondent may within fourteen days after service of the petition upon him file an answer to the petition.

(2) Every answer which contains matter other than a simple denial of the facts stated in the petition shall be accompanied by an affidavit made by the respondent verifying such other matter as far as he has personal knowledge thereof, and deposing to his belief in the truth of the rest of such other matter.

(3) The respondent shall forthwith serve a copy of the answer and affidavit (if any) upon the petitioner, the Attorney General and any other respondents.

15. Evidence on the hearing of the petition shall be given orally, in open Court or by affidavit or otherwise as the Judge may direct.

16. A copy of the order made on the petition, certified by the Clerk of the Crown and Peace, shall be supplied by him to any party to the proceedings on payment of the prescribed fee.

17. If a petition is presented and the Judge considers that the case is one which, owing to the value of the property involved or otherwise, ought to be dealt with by the High Court, he may, and if ordered by the High Court he shall transfer the matter to the High Court ; and the Clerk of the Crown and Peace shall make and file a copy of such order and shall transmit a certified copy of such order, together with the petition and affidavits filed in the matter and a certificate showing the state of the matter and the proceedings which may have been had therein, by post or otherwise to the proper officer of the said High Court, and shall also send notice of the making of such order by post or otherwise to all parties to the proceedings.

18. There shall be payable in respect of every Petition the Court fees specified in Schedule II. hereto.

19. The Judge may make such orders as to costs, Court fees, and witnesses' expenses as he shall think fit and may measure such costs, and expenses or direct them to be taxed according to such schedule II. hereto and the Costs, and rules applicable to Equity suits in the County Court under the provisions of the County Officers and Courts Ireland Act, 1877, Part II. and Order XXXV. of the County Court Orders (Ireland), 1890.

The Judge may immediately after the hearing fix such sum for witnesses expenses as he shall think just.

20. The forms set out in Schedule I. to these Rules or forms as near thereto as may be shall be used in proceedings as aforesaid.

SCHEDULE I.

(1) LEGITIMATION PETITION.

County of
Division of

To the County Court Judge for the said County.

In the matter of the Legitimacy Declaration Act (Ireland), 1868
and In the matter of the Legitimacy Act (Northern Ireland), 1928
and In the matter of A.B. of (*state name, address, and description of the person whose legitimacy the Court is asked to declare*)

The Petition of the above-named A.B. Sheweth as follows :—

1. Your Petitioner is of the sex and was born on the day of , 1 , at in the County of . The birth of your Petitioner is recorded by an entry numbered and made on the day of , 1 , in the Registry of Births for in the County of .

2. Your Petitioner is the natural child of C.D., of in the County of , by E.F., of in the County of .

3. Neither the said C.D. nor E.F. was married at the date of the birth of your Petitioner, the said C.D. being then a spinster (*or* widow) residing at , and the said E.F. being then a bachelor (*or* widower), and residing at and domiciled in .

4. The said C.D. and E.F. were lawfully married to one another on the day of , 19 , at . The said C.D. and E.F. have had issue children and no more, namely (*state names and dates of birth of such issue*).

5. At the date of the marriage, the said C.D. was a spinster (*or* widow) and the said E.F. was a bachelor (*or* widower) and was residing at and was domiciled in .

6. The following persons are affected by the legitimation as aforesaid of your Petitioner: (state names and addresses and descriptions and relationship).

7. The value of the property involved by the legitimation of your Petitioner, so far as is known to your Petitioner, is £ .

8. Your Petitioner is not acting in collusion with or with the connivance of any person for the purpose of obtaining a decree and declaration of legitimacy contrary to the justice of the case.

9. No previous proceedings under the Legitimacy Act (Northern Ireland), 1928, or otherwise, with reference to the paternity of your Petitioner or the validity of marriage of the said C.D. and E.F. have been taken in any Court (*or as may be*).

10. Your Petitioner undertakes to pay the costs of the Respondents to this petition if the Court so directs.

Your Petitioner therefore prays :—

That it may be decreed and declared that the said C.D. and E.F. were lawfully married at on the day of 19 , and that by such marriage your Petitioner became legitimated as from the date of the said marriage (*or* as from the date of the commencement of the Legitimacy Act (Northern Ireland), 1928) for the purposes of the Legitimacy Act (Northern Ireland), 1928.

That the costs of the Respondents to this Petition may be taxed or otherwise ascertained.

Dated this day of , 19 .

NOTE.—It is intended to serve this Petition on the Attorney General and on

Signature of Petitioner.

(*To be indorsed on the Petition*).

NOTICE.

TAKE NOTICE that the within Petition will be heard at the Equity Sessions to be held at in the Division and County aforesaid on the day of , 19 , at o'clock in the noon, and in default of your then appearing either in person or by your Solicitor the Court will proceed to hear the said petition and pronounce judgment your absence notwithstanding.

If you desire to file any affidavits in answer to the Petition you must file them in the office of the Clerk of the Crown and Peace of the County aforesaid within fourteen days after service on you of the within Petition.

Clerk of the Crown and Peace.

(2) AFFIDAVIT IN SUPPORT OF PETITION.

(*Heading and Title as in Petition*).

I, of , the Petitioner in the above Matter, make oath and say as follows :—

That the statements contained in my said petition are true to the best of my knowledge, information and belief.

Sworn, etc.

(3) NOTICE TO ATTORNEY GENERAL.

(*Heading and Title as in Petition*).

TAKE NOTICE that the petition in the Above Matter will be heard at the Equity Sessions to be held at in the Division and County aforesaid on the day of , 19 , at o'clock in the noon.

Solicitor for the Petitioner.

(4) ANSWER TO LEGITIMATION PETITION.

(*Heading and Title as in Petition*).

The respondent L.M., by P.Q., his solicitor (or in person), in answer to the petition filed in the above Matter, says :

(1) That (the petitioner is not the natural child of E.L. as alleged in the petition);

(2) That (at the time of the birth of the petitioner, the Petitioner's mother C.D. was married to a third party, namely).

(*or as may be*)

Wherefore the respondent humbly prays that the prayer of the petition may be rejected.

Dated the day of , 19 .

(5) LEGITIMATION DECREE.

(*Heading and Title as in Petition*).

Upon reading the Petition of A.B. of , presented to this Court in the above Matter and upon reading the affidavit(s) of and the several exhibits thereto.

And upon hearing

And the Court being satisfied that the allegations contained in the Petition are true and that all proper persons have been served with the said Petition.

It is decreed and declared that C.D. of and E.F. of , in the said Petition mentioned, were lawfully married at on the day of , 19 , and that by such marriage the said A.B. was legitimated for the purposes of the Legitimacy Act (Northern Ireland), 1928, as from the day of , 19 , (being the date of the said marriage) (*or* as from the 1st day of July, 1928 (being the date of the commencement of the said Act)). and it is ordered that the costs of the Respondent to the said Petition be taxed by the Clerk of the Crown and Peace according to the higher scale applicable to proceedings in an Equity suit in the County Court, and that the said A.B. do pay to the Respondents such costs, together with the sum of £ witnesses expenses, within fourteen days from the date of the certificate of such taxation (*or as may be*).

.....
County Court Judge.

.....
Clerk of the Crown and Peace.

.....
Solicitor for

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(6) ORDER FOR TRANSFER OF PROCEEDINGS TO HIGH COURT.

(*Heading and Title as in Petition*).

Whereas it appears that owing to the value of the property involved (*or as may be*) this matter ought to be dealt with by the High Court. It is ordered that this matter be transferred to the King's Bench Division (Probate) of the High Court of Justice together with the petition and affidavits filed in the matter and the annexed certificate of the Clerk of the Crown and Peace shewing the state of the matter and the proceedings that have been had therein in this Court.

.....
County Court Judge.

.....
Clerk of the Crown and Peace.

SCHEDULE II.

SCHEDULE OF COURT FEES PAYABLE (COUNTY COURT STAMPS).

Filing Petition	5/–
Copy Petition for service	1/–
Affidavit	2/–
Entry	1/–
Answer	6d.
Decree or Order	5/–

O