



**THE SOCIETY OF REGULARLY-BRED  
PRACTISING  
PUBLIC NOTARIES OF IRELAND  
AND  
ITS SUCCESSORS (LATE 1700s TO MID 1800S)**

**By**

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## 1. The Society of Regularly-Bred Practising Notaries

By the late 1700s public notaries in Ireland had formed a society designated as 'The Society of Regularly-Bred Practising Notaries ('the Society')' a somewhat unusual title by the standards of Ireland of the 21<sup>st</sup> century.

A reference to the Society was made in the *Gentleman's and Citizen's Almanack* for 1799 published by Samuel Watson in Dublin.

The President of the 'Society of Regularly-Bred Practising Notaries' in 1799 was stated to be John Talbot Ashenhurst of 33 Dame Street, Dublin 2. All the addresses set out in the notice of the society are addresses in the city of Dublin. The Secretary in 1799 was John Robinson of Crampon Court. [There may have been notaries elsewhere as the particular directories deal principally with Dublin.]

The 'examiners' of the Society in 1799 were stated to be Robert Deey, 16 Crampton Court and Thomas Rainey of 14 Crampton Court, Dublin, which must have been most convenient as their offices were so close to each other.

The other members of the Society were John Barber, 85 Dame Street; Samuel Bruce, 14 Crampton Court; Charles Bury, 29 Mary's Abbey, Hugh Cuming of 34 Anglesea Street, James Finlay, 11 Eustace Street; James Gibbons, 178 Abbey Street; E Hammerton, 3 Mecklenburgh Street (Marlborough Street); John Hawkins, 6 Fownes Street; John Ledsam, 5 Exchequer Court; Philip Le Maistre, Bachelor's Walk; Edward Shannon, 2 Anglesea Street; John Stroker, Upper Ormond Quay; Timothy Turner, 86 Dame Street and John Williams, 2 Palace Street.

A further reference to the Society was contained in *The Treble Almanack for 1801* which contains three directories (1) *John Watson Stewarts Almanack*, (2) *The English Court Registry* and (3) *Wilson's Dublin Directory*. That almanac was stated to be 'printed by authority'.

It is evident that there was an examination system and an apprenticeship before a candidate notary was eligible to receive a 'faculty'.

Of interest is a specific stipulation set out in the Society's notice and quoted here in full:

'Persons eligible for admission into this Society must be of approved Integrity, unblemished Reputation, have served regular Apprenticeships to regularly-bred practising Public Notaries, and have undergone a proper Examination of Three Members, previous to their obtaining a Faculty.'  
[Capital letters as in the original notice.]

It is of note that the criterion of 'unblemished reputation' as set out in the notice of the Society of Regularly-Bred Public Notaries (c. late 1700s) is precisely the same expression as contained in the *Code of Canon Law 1983* - which codified previous canon law – in the context of regulating notaries of the latin Church. In Canon 482 of the 1983 Code, there is the stipulation that in each curia, a chancellor is to be appointed ( who may be assisted by a vice-chancellor) and that the chancellor and vice-chancellor are automatically 'notaries and secretaries of the curia'. The term 'chancellor' owes its origin to an official of the Roman Court who developed a teaching role – hence the use of that word in relation to officers of a university.

In the *Code of Canon Law 1983* at Canon 483(2) it is stipulated that the 'chancellor and notaries must be of unblemished reputation and above suspicion'. In *The Canon Law: Letter & Spirit* (prepared by the Canon Law Society of Great Britain and Ireland in association with the Canadian Canon Law Society) (1995), the jurists in an annotation wrote as follows:

'Because of the importance attached to official documents, there must be no suspicion that the chancellor [a notary] or the notaries are doubtful in moral character, or capable of falsifying documents. Moreover, such documents will frequently be confidential in nature requiring a total discretion of the part of every notary: hence the emphasis placed on the unblemished character required for the chancellor and other notaries.'

The entry in the *Treble Almanack* for 1801 for the Society of Regularly-Bred Practising Notaries shows that John Talbot Ashenhurst of 33 Dame Street, Dublin 2 was still designated as president of the society. All the addresses set out in the notice of the society are addresses in the city of Dublin. The Secretary was still John Robinson of Crampon Court.

The examiners of the Society in 1801 consisted of the President and Secretary together with Robert Deey, 16 Crampton Court, John Barber, 85 Dame Street and John Williams of 2 Palace Street.

The other members of the Society were \*Samuel Bruce of 37 Dame Street; Charles Bury, 34 Sackville Street; \*Hugh Cuming, 34 Anglesea Street; \*James Findlay of 11 Eustatce Street; \*James Gibbons, 178 Abbey Street; \*E Hammerton, 3 Mecklenburgh Street (Marlborough Street); John Hawkins, 6 Fownes Street; John Ledsam, 5 Exchequer Court, Philip Le Maistre, Bachelor's Walk; \*Sam John Pittar, Ross Lane; \* Edward Shannon, 2 Anglesea Street; John Stroker, Upper Ormond Quay and \*Timothy Turner, Fleet Street.

Those marked thus\* in the 1801 *Treble Almanack* were stated to be 'authorised by the Lords of the Treasury to buy and sell all manner of Government Securities on commission. It was thereby obvious that many of these notaries were stockbrokers.

## 2. Society of Practising Notaries

By 1816, the 'Society of Regularly-Bred Practising Public Notaries' [of Ireland] had changed its name to the 'Society of Practising Public Notaries' – dropping the reference to 'regularly-bred' in its title.

In the entry for the society in *The Treble Almanack* for 1816 ((1)*Watson Stewarts Almanack*, (2)*the English Court Registry* and (3) *Wilson's Dublin Directory*) there is no reference to the Lords of the Treasury authorising designated public notaries to sell Government Securities on commission. However, there is a specific reference to an apprenticeship of seven years to 'regularly-bred practising notaries' in the context of persons and their eligibility for admission to the Society of Practising Notaries.

## 3. The Public Notaries (Ireland) Act 1821

The ecclesiastical courts in Ireland enjoyed a significant 'civil' jurisdiction up to 1858 – the date of the establishment of the Principal and District Probate Registries. Subsequent to Henry VIII becoming head of the 'reformed' Church, the 'reformed' Archbishop of Armagh was granted jurisdiction to

issue probates and faculties – which had been previously under the jurisdiction of the Roman Pontiff.

It appears that William Stuart (1798-1874) a member of parliament for Armagh from 1820 to 1826 (and subsequently for other constituencies in England) at the prompting of his father, Rt. Rev. William Stuart, Archbishop of Armagh (both at the time strong supporters of the established government) steered through the House of Commons a bill to regulate public notaries in Ireland. The Bill which became law on 28 May 1821, the *Public Notaries (Ireland) Act 1821* (1 & 2 Geo. 4 c.36) was modelled on the *Public Notaries Act 1801* (41 Geo.3 c. 79) which was enacted to regulate public notaries in England.

The *Public Notaries (Ireland) Act 1821* [1 & 2 Geo 4. C 36] ('the 1821 Act') attempted to regulate the profession of public notary in Ireland. Section 1 of the 1821 Act stipulated that 'no person in Ireland shall act as a public notary, or use and exercise the office of a notary or do any notarial act unless such person shall have been duly sworn, admitted and enrolled' in the Court of Faculties of Ireland. There were also provisions regulating apprenticeship and other related issues.

#### **4. Licensed Public Notaries**

By 1840 according to *The Post Office Annual Directory and Calendar for 1840* under the patronage of 'Her majesty's Postmaster General' and published in Dublin, references to 'The Society of Practising Notaries Public' had disappeared to be replaced by an entry for 'Licensed Public Notaries'. Further, there appeared to be no president of the 'Licensed Public Notaries' but there was a reference to the 'secretary' designated as Haliday Bruce of 37 Dame Street, Dublin.

It appears that many of the public notaries of the period from the 1700s to the mid 1800s were stockbrokers. Nevertheless, public notaries from the 1700s were members of a distinct and separate profession.

#### **5. Faculty of Notaries Public in Ireland**

In response to the suggestion by Chief Justice Thomas Finlay of the Supreme Court of Ireland, the Faculty of Notaries Public in Ireland was established in 1981. The Faculty was established as a company limited by guarantee not

having a share capital, the word limited being omitted by licence of the then Minister for Industry, Commerce and Tourism. The declared objects of the Faculty included 'promoting and advancing the interests of notaries public practising in Ireland and making provision for their regulation as a professional body.'

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