

CHIEF SECRETARY'S
8586 - 10. APR. 1917
OFFICE

Jus/H 277/120/22 (1)

PROPERTY LOSSES (IRELAND) COMMITTEE, 1916.

REPORT OF COMMITTEE.

Jus/H277/120/22(2)

PROPERTY LOSSES (IRELAND) COMMITTEE.
Destroyed Property Committee.

In connection with the destruction, both in Dublin and elsewhere, of buildings and their contents, the State will assume, as the maximum (except as specified below) of its *ex gratiâ* grant, the same liability as would have fallen on the Insurance Companies if the risk had been covered by the Policies in force at the time of the recent disturbances.

Accordingly, His Excellency the Lord Lieutenant has decided to appoint a Committee consisting of:—

Sir William J. Goulding, Bart., D.L., (Chairman).

Mr. William E. Osborn, of Messrs Selfe and Co., London, and

Mr. Samuel J. Pipkin, General Manager of the Atlas Assurance Company, Ltd.

- (a) (i.) To ascertain what were the sums covered, for ordinary fire risks, by insurance policies in force at the time of the destruction of the property ;
- (ii.) to advise what part of such sums would normally have been paid by the Insurance Companies if the destruction had been caused by accidental fire ; and,
- (b) having regard to the information obtained under the foregoing heads (i.) and (ii.), to advise how, on analogy, the several claims of uninsured persons could fairly be dealt with, and how far, in individual cases of insured persons, exceptional treatment should be allowed in view of special circumstances.

For the foregoing purposes looting may be deemed to be burning, but no consequential damages of any kind are to be taken into account.

In no case will any grant be made in respect of the property of persons in complicity with the outbreak.

All communications should be addressed to the Secretary of the Committee, Mr. James J. Healy, at 51 St. Stephen's Green, East, Dublin.

ROBERT CHALMERS.

15th June, 1916,

DUBLIN CASTLE.

Jus/H277/120/22(3)



CHIEF SECRETARY'S

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OFFICE

PROPERTY LOSSES (IRELAND) COMMITTEE.

REPORT OF COMMITTEE.

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TO THE RIGHT HONOURABLE IVOR CHURCHILL, BARON WIMBORNE,
LORD LIEUTENANT GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

1. We, the Committee appointed under Your Excellency's Warrant of 15th June, 1916, have the honour to submit this our Report.

PROCEDURE ADOPTED.

2. At our first meeting, held on 21st June, 1916, the form of procedure to be adopted in dealing with claims for property destroyed or damaged during the disturbances of April-May, 1916, was considered. We decided that the necessary investigation into the larger and more important claims should be carried out by thoroughly-qualified Fire Assessors, who should ascertain and report to us the loss sustained in each case, together with the sum that would have been payable by the Insurance Companies if the risk had been covered by the insurance in force. The practice adopted by Insurance Companies in dealing with claims arising under their fire policies was to be followed, and the assessment was to represent the value of the damage at the date of destruction.

LISTS OF RECOMMEN-
DATIONS TO BE FOR-
WARDED PERIODICALLY
TO GOVERNMENT.

3. It was also decided that our recommendations in respect of claims, with all relevant information, should be embodied in Lists to be forwarded periodically to the Government.

1.



APPOINTMENT OF
ASSESSORS.

4. We appointed as Assessors the following :-
Messrs. Walter Hume & Company, Dublin, Belfast and Cork,
and Messrs. William Montgomery & Son, Dublin and Belfast.
Subsequently Mr R. N. Kennedy, Belfast, was added.

DUBLIN FIRE AND
PROPERTY LOSSES
ASSOCIATION.

5. At our second meeting, on 22nd June, 1916, we received a deputation from the Committee of the Dublin Fire and Property Losses Association - an Association representing the bulk of the property owners who suffered during the disturbances. We explained to the deputation the procedure we had decided to adopt in dealing with claims, and it was arranged that all claims lodged with the Association were to be transferred to us.

NOTICE TO OWNERS OF
PROPERTY LOST.

6. We also arranged for the insertion of a notice in the Dublin daily newspapers, requesting all persons whose property had been destroyed or damaged as a result of the Rebellion, and who had not already sent claims to the Dublin Fire & Property Losses Association, to communicate with our Secretary.

FORM OF CLAIM.

7. A form of claim to be filled up in every case was settled. It included a statutory declaration that the several statements made were correct, thus enabling the Government to prosecute in the event of a fraudulent claim being submitted.

EMPLOYEES' CLAIMS.

8. We were fully alive to the importance of dealing promptly with all claims, but more especially with those from workmen and other employees, who, owing to the loss of tools or clothing, were in many cases unable to obtain work.

APPOINTMENT OF
INSPECTORS TO
REPORT ON SMALL
CLAIMS.

9. In order that reports on such cases might be speedily furnished we appointed as Inspectors a number of insurance officials accustomed to deal with claims



for small losses. In this way we were able to send to Government our recommendations in respect of 740 of these small claims in a little over two months from the date of our first meeting, which number had increased a month later to 1800, and to 3200 by the beginning of November.

LARGE CLAIMS.

10. As regards the larger claims, progress in assessing the loss was slower owing to the vast amount of detail involved in these cases, and the necessarily limited number of Assessors at our disposal. The Assessors appointed exhausted all the suitable men available locally, and we considered that, on the whole, it would be inadvisable to bring Assessors over from England. Special efforts to cope with the work were, however, made by the staff employed, and we arranged that they should also be allowed expert assistance where necessary.

PAYMENTS ON ACCOUNT.

11. The more urgent of the large claims were those relating to loss of stock or plant, as the claimants in many instances were unable to resume business pending a settlement. But in each such case we were able, after receiving a preliminary report from our Assessors, to recommend a substantial payment on account pending a full valuation of the loss sustained, and in this way serious hardship was minimised.

REBUILDING CLAIMS.

12. The rebuilding cases, which numbered 210 in all, were not so pressing, as building work could not well be started pending the passing of the Dublin Reconstruction (Emergency Provisions) Act, 1916. This Act did not become law till the 22nd December last, and by that date, or very soon afterwards, our recommendations regarding nearly all of these cases had been sent to the Government.

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SUMMARY OF
RE-BUILDING CASES.

13. The following is a summary of the re-building cases :-

Street.	No.
Abbey Street, Lower.	16
" " Middle.	25
Beresford Place.	1
Bolton Street.	4
Bridge Street, Lower.	4
Brunswick Street, Great.	1
Cathedral Street.	1
Clanwilliam Place.	2
Cole's Lane.	6
Crane Lane.	1
Dame Street.	2
Dean Street.	1
Earl Place.	3
Earl Street, North.	11
Eden Quay.	13
Harbour Court.	3
Harcourt Street.	3
Henry Place.	4
Henry Street.	36
King Street, North.	1
Linen Hall.	1
Marlborough Street.	2
Moore Street.	10
Parliament Street.	1
Prince's Street.	8
Sackville Place.	5
" Street, Lower	35
" " Upper.	6
Usher's Quay	3
Yarnhall Street.	1
Total	210

17
✓
✓

12

BASIS OF OUR RECOM-
MENDATIONS.

14. Our investigation had not proceeded far when it became clear to us that to limit the loss admissible in insured cases to the amount of the insurance



would not adequately meet the special circumstances. For nearly a week the buildings, fired, or that caught fire, were allowed to burn themselves out, as the fire brigade could not venture on duty, the police had been withdrawn, and the owners were prevented from approaching their burning premises. As a result nothing could be done in most cases to check the fires, or to salve any of the property in the buildings affected.

There was the further consideration that in the circumstances mentioned the owners of property lost by fire or by looting would apparently have been entitled, in the absence of special legislation, to recover from the rate-payers full compensation for the damage sustained irrespective of the amount of the insurance, or without regard to the question whether the property was or was not insured; but the right to make such claims was withdrawn by Section I (6) of the Law and Procedure (Emergency Provisions) (Ireland) Act, 1916.

We therefore came to the conclusion that the circumstances in all cases of loss coming before us were special ones, justifying exceptional treatment, as warranted by (b) of the terms of reference, and we are pleased to know that this view has also been taken by the Government.

In each case then in which loss was proved we have recommended payment of the sum which an Insurance Company would have allowed if the loss were fully covered by Insurance.

MONEY LOSSES.

15. As the basis for dealing with claims laid down by the terms of reference is that adopted by an Insurance Company in connection with claims arising under



a fire policy, we have been unable, following insurance practice, to recommend payment for loss of coin or securities for same.

LOSS OF RENT.

16. The question whether claims for loss of rent should be allowed was carefully considered by us, and we came to the conclusion, following a formal declaration of a Minister of the Crown on this point, that while loss of rent is normally a consequential loss which would be excluded under the terms of reference, in view of the fact that it is frequently treated as a building loss covered by an ordinary fire policy, we would be justified in admitting claims for such losses but only when insured against. We have accordingly allowed rent claims, within the limits of the insurance, up to a maximum of one year.

LOSS OF PROFITS.

17. A similar question regarding loss of profits' claims also received our anxious consideration. Seeing however that the terms of reference state that "no consequential damages of any kind are to be taken into account" we were constrained to rule out all claims for loss of profits, whether insured against or not, as such losses - which are never provided for in an ordinary fire policy - are clearly consequential.

STANDING CHARGES AND BOOK DEBTS.

18. Claims for standing charges, interest on loans, wages paid, etc., and also claims in respect of loss of book debts, were ruled out for the same reason.

GOVERNMENT LOSSES.

19. Acting on Your Excellency's instructions (No.12457-16), we have excluded from consideration claims in respect of Government property destroyed or damaged during the disturbances. This property included the General Post Office and the Linen Hall



Barracks, but no claims were lodged with us in respect of these buildings. Under the decision mentioned the claims made by the Post Office against property owners for the value of telephone instruments lost were withdrawn.

LIABILITY OF INSURANCE COMPANIES IN CERTAIN CASES.

20. In no case in which an Insurance Company was found to be liable to make good the loss sustained did we entertain the claim.

FIREARMS ETC. TAKEN BY MILITARY SEARCH PARTIES.

21. We received some claims for firearms and field glasses taken by military search parties and not subsequently restored, but as such losses did not come within the terms of reference we did not admit them, and they were referred to the Government to deal with. Certain other claims for the hire of, or damage done to, motor cars commandeered by the military were also deemed to be inadmissible.

BURNED OUT SOLICITORS' CLAIMS.

22. Claims were received from nine Solicitors whose offices were completely destroyed, together with all deeds, wills, and other documents deposited in the safes or strong rooms. The claims were in respect of

- (a) Loss of costs, owing to the destruction of the records and vouchers required to prepare bills for taxing.
- (b) Expenses involved in replacing necessary deeds and documents lost.
- (c) Cost of perpetuating testimony where essential deeds were destroyed.

Claims under (a), being clearly of a consequential character, were inadmissible.

Under the Law & Procedure (Emergency Provisions) (Ireland) Act, 1916, the Solicitors concerned were



relieved of liability in respect of deeds or other documents lost while in their custody. The Act also extended the powers of the High Court as regards perpetuation of testimony to cases in which the title deeds etc had been lost or destroyed during the disturbances in April-May 1916. As it will be necessary to replace many of the deeds so lost and to perpetuate testimony in some cases we considered that the expense incurred in such work should be allowed for. As this expense could not be estimated with any degree of accuracy pending an authoritative pronouncement by a Court as to the procedure requisite under the Act, the claimants arranged to have a test case tried. The decision in that case - 'Shanahan v. Shanahan' - was given on 21st December last, but the order could not be made up and the costs taxed for another month. The several Solicitors concerned were unable, therefore, to formulate their claims until very recently.

As the investigation of these claims when received involved many points of law we found it necessary to obtain the assistance of a legal assessor. At the hearing it was made clear to the several Solicitors concerned, and it was agreed to by them, that in view of the provisions of the Act quoted the real claimants were their clients, and that such payments as might be authorised were to be made to these clients when the replacement of deeds etc., was completed. We have suggested a scale of fees for the several classes of work required, and have recommended a time limit of one year within which all the work should be done.

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LATEST DATE FOR RECEIVING CLAIMS.

23. The latest date fixed for receiving intimation of claims was the 12th August, 1916, and this was announced in the Dublin daily papers. But in any case subsequently notified in which a satisfactory explanation of the delay was furnished we accepted and dealt with the claim.

NUMBER OF CLAIMS.

24. In all 7,001 claims, totalling to £2,791,872, were received. These were disposed of as under, viz:-

	Number.	Amount claimed.	Amount recommended.
ADMITTED.	6,236	£ 2,632,522	£ 1,844,390
DECLINED :-			
Consequential Losses	82	114,853	
Money Losses	20	242	
Insurance Companies liable.	104	7,589	
Other parties liable.	57	1,830	
Claimants implicated in Rebellion.	20	6,368	
Arms, etc., taken by Military Search Parties etc., transferred to the Chief Secretary's Department.	52	677	
No Proof of Loss	56	10,276	
Withdrawn	28	577	
Not proceeded with.	225	8,087	
Government property.	6	7,754	
Claims received too late.	115	1,097	
	765	159,350	
TOTAL	7,001	2,791,872	1,844,390

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ADMITTED CASES.
PERCENTAGE OF AMOUNT
CLAIMED RECOMMENDED.

25. In respect of the cases admitted the sums recommended by us represent seventy per cent of the total claimed. Some portion of the reduction made is accounted for by the fact that many of the claims included consequential or money losses - not admissible - or included items for which the Insurance Companies were liable, and which were consequently disallowed.

CLAIMS RECEIVED SIMI-
LAR TO THOSE SENT TO
INSURANCE COMPANIES
IN CASES OF FIRE LOSS.

26. While in some cases extravagant demands were put forward we are pleased to say that on the whole the claims submitted to us bore about the same relation to the actual loss sustained, and were of much the same character, as those usually received by an Insurance Company in connection with ordinary fire losses.

27. We cannot conclude our Report without specially mentioning our Secretary, Mr James J. Healy. He has acted throughout our inquiry with singular ability, tact and accuracy, and spared no pains to push on the work as fast as possible, and we are much indebted for his valuable assistance to us.

We have the honour to be,

Your Excellency's

Most obedient servants,

William J. Goulding (Chairman).

William L. Osborn

James J. Healy

James Healy (Secretary).

7th April, 1917.