

and although there was a natural partition, there was no legal partition of the hoof as long as the joint tenancy continued. My Lords, I may say with that erudite and poetic author who has so laudably endeavoured to relieve the severity of our noble science by calling the muse to his aid, and dressing in the garb of verse the abstrusities of law—an author whom I take this public opportunity of recommending to the profession,

The cases in the book are plenty,  
I could beg leave to quote you twenty.  
Some special verdicts and demurrers,  
From Darnford, Bosanquet and Burrows.  
Some late decisions of the Courts  
In point, my Lord, from Term reports,  
All books for solid information,  
Held in the highest estimation.

But if this action can be maintained, and under your Lordship's direction the jury find against my client, what damages can be assessed? who really has been damnified? The plaintiff cut away the wool, over which he had no distinct or ascertained right, and he made money of that wool; the remainder, by the worrying of the dogs and the tearing of the bushes has been rendered useless; and the carcase, not being properly blooded, was of service to neither, and the benefit, if any, has flowed to the plaintiff. And as to the point that we have been the cause of the destruction, this is an absurd assertion, and if not exceedingly vicious, would be exceedingly ludicrous. Who, I ask you, my Lord, was indeed the cause of the destruction of the sheep? True, the sheep is dead, but what caused its death? It lived when it was wholly unshorn, but it died when deprived of a portion of its wool. Well, and does not the guilt of its death fall on the head of the cruel greedy man, who, impatient for the paltry proceeds of a few pounds of wool, so disfigured the modest and timid beast, that it fled to the thicket to hide its nakedness. Have brutes no sensibility? Are we not all aware that many of them have an instinct rising up to reason? Yes, we have an instance of it here, for the poor creature, not insensate to its ludicrous appearance, fled to the thicket, like those ambassadors of the olden time, who when the enemy in mockery sheared off one half of those venerable pendant ornaments which in those days (guiltless of razors!) hung from the chin, tarried at a frontier town till their beards were grown. The animal, my lord, was ashamed of itself. And the dogs, so far from deserving the unworthy epithet of *savage*, acted like honest and faithful guardians, and perceiving on the premises some "gorgon or chimera dire," they screwed up their courage to the sticking point, and with one rush destroyed it!"

Ingenuous were the arguments, and touching and forcible the eloquence on both sides, until finding his Lordship completely bewildered—

Both lovingly agreed, at once, to draw  
A special case, and save the point in law;  
That so the battle, neither lost nor won,  
Continued, ended, and again begun,  
Might still survive, and other suits succeed  
For future heroes of the gown to lead.

#### ABBOT OF BANGOR'S SEAL.

The ancient brazen Seal, of which an impression is represented in the annexed engraving, was found in the ruins of Saul Abbey, in the County of Down, and is now in the possession of Mr. James Underwood of Sandymount, who has an interesting collection of Irish antiquities.

It represents the statue of an Abbot—St. Comgall—standing in a niche of pointed or gothic architecture; his left hand holding the crozier or pastoral staff, and his right raised in the act of giving the benediction. On a shield or tablet below, are the arms of the Abbot to whom the seal belonged; and outside the device, the following abbreviated inscription, in the monkish letter of the 14th century:—

"S. R. Patris Johannis Kenedy Abbis de Bangor."

Sigillum Rev. Patris Johannis Kenedy, Abbatis de Bangor.  
—The Seal of the Rev. Father John Kenedy, Abbot of Bangor.



As our histories have not preserved the names of the Abbots of this great Monastery during the 14th and 15th centuries, we cannot accurately ascertain at what period this Abbot flourished, but the style of architecture, and the letters on the seal unquestionably belong to those ages; and this seal, like that of a Dean of Clonmacnoise, given in a former number, preserves a fact to our local histories which would otherwise have been lost.

The Abbey of Bangor was founded by St. Comgall in the 6th century, and was one of the most celebrated institutions of its kind in Ireland. P

#### NATIONAL BIOGRAPHY.

No. 3.

##### ANTHONY MALONE.

On the 5th of December, in the year 1700, was born Anthony Malone, a man who would have been an ornament of his profession and his country, even though he had not lived at a period of her history when distinguished talents, if united with integrity of conduct, were regarded by those in power with jealousy and fear.

If most of the celebrated men of Ireland have been but the naturalized descendants of her conquerors, she may at least claim an undivided title to the family of Malone. It is a branch of that of O'Connor; and it is a remarkable fact, in a country where continued disturbances have led to such frequent and extensive forfeitures of inheritances, that the lands originally granted by the king of that name to the founder of this family, about the close of the 11th century, have continued to this day in the possession of his descendants. More than one distinguished man of this family lived during the last century, amongst whom the most eminent were Richard Malone, who died in 1744-5; and his son Anthony, the subject of the present notice—the only lawyer of the time who rivalled his father in legal attainments, and was thought by many to have surpassed him. He was admitted a gentleman commoner of Christ Church, Oxford, in the year 1720; and in 1726 was called to the Irish Bar, where he continued to practise for 50 years, the brightest ornament of his profession. In 1727, he was elected representative for the county Westmeath, which he continued to represent to the time of his death, except during the period which elapsed from the death of Geo. II. in 1760, to the election in 1768. In 1740, he was appointed his Majesty's Prime Sergeant at Law, at that time the highest office in his profession, and which he lost in January 1754, because he warmly supported, in the House of Commons, their right to dispose, without the previous consent of the crown, of the *unappropriated surplus* of revenue raised by act of Parliament—a right which it is surprising that it should ever have been questioned, but which would create much more astonishment should there ever again be occasion for its exercise. Under the Duke of Bedford's government, in